

MINUTES

Oakdale, California
November 21, 2006

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: Steven A. Webb, President
Jack D. Alpers
Frank B. Clark
Tony Taro
Al Bairos, Jr.

Staff Present: Steve Knell, P.E., General Manager/Secretary
Kathy Cook, Chief Financial Officer
Gary Jernigan, Support Services Manager
Kevin King, 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

A motion was made by Director Taro, seconded by Director Alpers, and unanimously supported to move Action Item Nos. 17, 18, and 20 to the beginning of the Action Calendar immediately following the Consent calendar.

At the hour of 9:02 a.m. the Board welcomed public comment.

PUBLIC COMMENT ITEM NO. 1

Lorens Foard stated that he wanted to comment on the irrigation practices of OID. Mr. Foard also read from a book entitled *Greening of Paradise Valley*, the history of the first 100 years of the Modesto Irrigation District, page 46.

There being no further Public Comment; Public Comment closed at 9:05 a.m. and the Board Meeting continued.

Director Alpers requested that Item No. 13 be pulled from the Consent Calendar; and Director Clark requested that Item No. 15 be pulled from the Consent Calendar.

CONSENT ITEMS

ITEM NOS. 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 14

ITEM NO. 2

**APPROVE THE BOARD OF DIRECTORS'
MINUTES OF THE REGULAR MEETING OF NOVEMBER 7, 2006
AND RESOLUTION NOS. 2006-61, 2006-62, and 2006-63,**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of November 7, 2006 and Resolution Nos. 2006-61, 2006-62, and 2006-63.

ITEM NO. 3

**APPROVE OAKDALE IRRIGATION
DISTRICT STATEMENT OF OBLIGATIONS**

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

ITEM NO. 5

**APPROVE THE TREASURER AND CHIEF
FINANCIAL OFFICER'S REPORT FOR THE
MONTH ENDING OCTOBER 31, 2006**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Treasurer and Chief Financial Officer's Report for the month ending October 31, 2006.

ITEM NO. 6

**APPROVE RENEWAL
OF 125K CAFETERIA PLAN**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the renewal of 125K Cafeteria Plan.

ITEM NO. 7
APPROVE RESOLUTION TO SURPLUS DISTRICT
PROPERTY (MISCELLANEOUS PUMP EQUIPMENT)

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Resolution to Surplus District Property (miscellaneous pump equipment).

ITEM NO. 8
APPROVE AMENDMENT TO
PROFESSIONAL SERVICES AGREEMENT (BILL SMITH)

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Amendment to Professional Services Agreement (Bill Smith).

ITEM NO. 9
APPROVE AWARD OF BID FOR 2007
PESTICIDE MATERIALS TO TARGET SPECIALTY PRODUCTS

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the award of bid for 2007 pesticide materials to Target Specialty Products.

ITEM NO. 10
APPROVE ENCROACHMENT AGREEMENT ON
THE MILLER DRAIN (APN: 207-029-012 – FROST)

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Encroachment Agreement on the Miller Drain (APN: 207-029-012 – Frost).

ITEM NO. 11
APPROVE RESOLUTION OF
ABANDONMENT OF THE ADAMS CREEK DRAIN

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Resolution of Abandonment of the Adams Creek Drain.

ITEM NO. 12
APPROVE QUITCLAIM OF ADAMS CREEK
DRAIN ENCROACHMENT AGREEMENT
(APN: 064-017-004 – ILLINGWORTH)

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Quitclaim of Adams Creek Drain Encroachment Agreement (APN: 064-017-004 – Illingworth).

ITEM NO. 14
APPROVE CHANGE ORDER TO PRESTON
PIPELINE, INC. ON THE NORTH DUDLEY PIPELINE

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Change Order to Preston Pipeline, Inc. on the North Dudley Pipeline.

ACTION CALENDAR
ITEMS 13, 15, 17, 18, 20, 16, 19, 21, 22

ITEM NO. 13
APPROVE ENCROACHMENT AGREEMENT ON
THE MOOTZ DRAIN (APN: 014-049-003 - MILLER)

Mr. Miller is developing a new orchard and requests an Encroachment Agreement for an irrigation pipeline crossing the Mootz Drain, as shown on the attached Exhibit "C". Mr. Miller did not contact Oakdale Irrigation District (OID) prior to installing the aforementioned crossing as shown in Exhibit "D". Mr. Miller's pipe crossing encroachment was discovered during routine visual inspection of OID's existing infrastructure. During the winter months, many installations such as this go unnoticed until the next year's water season begins. While Mr. Miller's crossing is not what OID would have recommended/required, staff does not see the installation as an operational issue and this Encroachment Agreement is necessary in protecting OID from any and all future maintenance/replacement responsibility.

Director Alpers had a question as to whether or not the pipe was big enough to take rainwater or heavy drain water.

Thereafter, a motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Encroachment Agreement on the Mootz Drain (APN: 014-049-003 – Miller).

ITEM NO. 15
APPROVE CHANGE ORDER TO RTC FOR THE
INSTALLATION OF ADDITIONAL PIPE ON FAIRBANKS PIPELINE

In May of 2006, RTC was awarded a contract to install 2,600 feet of 36" RCP from Steinegul Road to a point of intersection of the existing pipe. This point is approximately 60 feet upstream of the existing "Corn Box" located on Mr. Joe DaSilva's property. Leaks developed after the line was commissioned in July, 2006 for the remainder of the 2006 irrigation season. After the irrigation season ended, RTC exposed the line to find the leaks were from ring cracks on the new pipe and the existing pipe. RTC repaired the ring cracks on the pipe installed by RTC but the pipe previously installed by OID needs to be replaced from the point where RTC completed their installation to the "Corn Box". Responsibility for the cause of these cracks is hard to determine, it appears heavy equipment movement over the pipe was responsible for the cracks.

Director Clark questioned why the District has to replace pipe that was installed two years ago. Gary Jernigan, Support Services Manager explained that it was due to heavy equipment traffic from the ripping of the field. Director Clark asked if it was due to vibrations will it have to be replaced again in the future. Gary Jernigan stated that they were going to encase the pipe in concrete in the roadway so that it did not happen again.

Thereafter, a motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to approve the Change Order to RTC for the installation of additional pipe on the Fairbanks Pipeline.

ITEM NO. 17
REVIEW AND TAKE POSSIBLE ACTION
ON THE ABANDONMENT OF THE MERRIHEW PIPELINE

The Merrihew Pipeline was accepted as an OID facility in 1998. Acceptance of a private facility as an OID facility must meet the test of satisfying a defined district purpose or governance policy. To say the Merrihew Pipeline met this test can only be assumed at this time.

Similarly, OID can and has the legal right to abandon any district facility that no longer meets nor serves a defined district purpose or governance policy. Staff offered to the developer, Ole Truett, the option of requesting an abandonment of the pipeline and if not opposed after notification of the affected users, an abandonment could proceed. His right to request such action by the OID and Board is a proper request.

A motion was made by Director Clark, seconded by Director Taro, and unanimously supported to deny the abandonment of the Merrihew Pipeline.

ITEM NO. 18
REVIEW AND TAKE POSSIBLE ACTION
ON THE ABANDONMENT OF THE MERRIHEW DRAIN

In doing research in preparation for this agenda item it was discovered that the only legal interest OID has acquired on the Merrihew Drain is that portion south of Orange Blossom Road to the Stanislaus River. It acquired a right of way in October of 1984 for that portion.

OID has no legal rights (through recorded easements or through prescription) on any portion of the Merrihew Drain north of Orange Blossom Road. Therefore, the Board can take no action to abandon or quit claim a facility it never had a legal interest in.

ITEM NO. 20
REVIEW AND TAKE POSSIBLE ACTION ON
A REQUEST FOR A VARIANCE FROM THE DISTRICT'S
SUBDIVISION AND PARCEL MAP POLICY (APN: 207-028-031 - DICKENS)

Mr. Dickens has recently split parcel APN: 207-028-020 into two (2) new parcels and received a letter from Oakdale Irrigation District (OID) informing him that OID's Subdivision Parcel Map policy precludes the irrigation of parcels that are less than ten (10) acres in size without Board approval. Mr. Dickens has existing pasture on his property and wishes to continue to irrigate said pasture in the same manner as before his parcel split, as noted in his attached October 26, 2006 letter. Past Board actions have allowed the current landowner to continue to irrigate until such time as the property changes ownership, or the existing land use changes. Mr. Dickens requests the same consideration from the Board of Directors. This scenario is slightly different than previous requests seeing that Mr. Dickens has already sold one (1) of the two (2) newly created parcels, APN: 207-028-032 to Valley Home Memorial Park Corporation for use as a cemetery, and retained ownership of the above-noted 6.99 acre parcel which is less than the ten (10) acre minimum required for continued irrigation as noted above. That being said, staff recommends allowing Mr. Dickens to continue irrigating the above noted parcel for as long as he retains ownership of the parcel. Should Mr. Dickens choose to sell the parcel it shall not be advertised as irrigable and the new owners shall contact OID at that time as it pertains to conditions of approval for continued irrigation or to request another variance from the Board of Directors. In addition, this variance shall also become void if Mr. Dickens changes the current land use as noted above. Please note that the intent of this variance is to preclude it from being "running with the land" but instead limited solely to Mr. Dickens ownership of the parcel in question.

A motion was made by Director Alpers, seconded by Director Clark, and unanimously supported to approve the request for a variance from the District's Subdivision and Parcel Map Policy (APN: 207-028-031 – Dickens).

ITEM NO. 16
REVIEW AND TAKE POSSIBLE ACTION
TO CERTIFY THE VOTE OF THE IMPROVEMENT DISTRICT
NO. 38 MEMBERSHIP TO PROCEED WITH
REPLACEMENT OF TWO (2) C-10 TURNOUT GATES

To certify the vote of the improvement district membership regarding the approval or disapproval of the Expenditure of Funds to replace two (2) C-10 turnout gates for use by Improvement District No. 38.

Chief Financial Officer, Kathy Cook, reported that Improvement District No. 38 voted to proceed with replacement of two (2) C-10 Turnout Gates by the following vote:

Disagree	0
Agree	2
11 - Non Votes (considered as yes votes)	

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to certify the vote of ID 38 to approve the expenditure of funds to replace two (2) C-10 turnout gates.

ITEM NO. 19
REVIEW AND TAKE POSSIBLE ACTION
AUTHORIZING GENERAL MANAGER TO
PAY LITIGATION COSTS TO DELTAKEEPERS

In 2004 all irrigation districts in California filed a CEQA document for their application of a Statewide Permit to apply aquatic herbicides as was required under new water quality regulations. The only irrigation districts sued under that process by DeltaKeepers were those in the SJRG. The five irrigation districts each took the course of legal action. Each district won in court but lost on appeal with the courts agreeing with DeltaKeepers that the environmental documents from each of the five irrigation districts were deficient in one or more areas.

The cost of that litigation was \$121,093. The Courts also award, as is typical, a multiplier of 1.5 to the expenses incurred by DeltaKeepers, bringing the total litigation cost to \$185,929.50.

A motion was made by Director Webb and seconded by Director Taro, to authorize the General Manager to pay the litigation costs as determined by the Chief Financial Officer to DeltaKeepers, and was voted as follows:

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

ITEM NO. 21
REVIEW AND TAKE POSSIBLE ACTION
AUTHORIZING GENERAL MANAGER TO EXECUTE CONTRACTS
WITH VALLEY AIR CONDITIONING AND INDUSTRIAL ELECTRIC
FOR THE REPLACEMENT OF HVAC SYSTEM IM MAIN OFFICE

The Air Conditioning system for the Main Office has been non-functional since August of 2005. Valley Air Conditioning worked on these units for a month last year on warranty with minimal cost to the District. The District was advised by Valley Air Conditioning then that the units need to be replaced due to their age and condition. At the time, it was thought one compressor could be salvaged, however, later this proved not to be so. The total system must be replaced. Valley Air Conditioning was contracted to design a system to replace the existing system in the same area to minimize cost. This required considerable field time to determine the condition of the existing system and the extent of utilizing the existing duct work. The replacement design has been finalized. A bid package with specs and drawings could be assembled and released and then awarded by early February.

All vendors we talk to say hardware prices for HVAC packages will go up approximately 10% on January 1 2007. A contract commitment now would allow a contractor to purchase the equipment at the 2006 rate to avoid the price increase.

Staff recommended awarding Valley Air Conditioning a contract to purchase and install the HVAC system as designed and Industrial Electric to provide the electrical and controls for these units. The basis for the recommendation was the knowledge gained by Valley Air Conditioning in designing the system, previous work experience with Valley Air Conditioning and Industrial Electric, previous work experience between Valley Air Conditioning and Industrial Electric and the General Services Agreements in place with both Valley Air Conditioning and Industrial Electric previously approved by the Board.

A motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to authorize the General Manager to execute contracts with Valley Air Conditioning and Industrial Electric for the replacement of the HVAC system in the main office.

ITEM NO. 22
REVIEW AND TAKE POSSIBLE ACTION ON AWARD
OF BID FOR THE REPLACEMENT OF THE ROOF ON MAIN OFFICE

Three roofing suppliers/installers, Dinyari Incorporated, Armstrong and Central Coating Company, were contacted and a quotation was requested for a new roof to be installed on the Main OID office. All three of the suppliers/installers provided a quote for the removal and installation of a new roof on the office facility. The types and cost varied ranging from a sprayed on to a membrane with cost ranging from \$66,042 to \$104,500 with all suppliers quoting a unit rate for repairs to the roof under the existing system. The unit rates are all the same, \$75.00/hr with material cost varying for each supplier for an additional repair cost of \$15,000.

Having reviewed all the proposals, Staff recommended awarding a contract based on price to Dinyari Incorporated to install an 80 mil thermoplastic roofing system for a cost of \$69,364.00 with a 15 year warranty.

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to award the bid for the replacement of the roof on main office to Dinyari Incorporated once their references have been contacted.

DISCUSSION ITEMS
ITEM NOS. 23, 24

ITEM NO. 23
DISCUSSION ON THE PURCHASE OF 39,000
GALLON WATER STORAGE TANK BY THE
KNIGHTS FERRY COMMUNITY SERVICES DISTRICT

The OID offered to surplus to the Knights Ferry Community Service District (KFCSO) a water storage tank from RWS No 1 at Country Club Estates for \$1. The KFCSO has declined that offer due to their inability to have the tank delivered, which has always been understood to be their cost. Staff has no interest in expending resources and will pursue the surplus of the tank as directed through other means.

President Steve Webb suggested that he and the General Manager, Steve Knell, attend the next Knights Ferry MAC meeting to discuss this directly with KFCSD. It was also recommended that staff advise them about the other surplus storage tank that will be available.

ITEM NO. 24
DISCUSSION ON RESEARCH RESULTS OF EUGENE
AREA AND THEIR CLAIMS TO WATER SERVICE FROM OID

There was a discussion by the Board of Directors regarding the results of the research done on the Eugene area and their claim to water service from OID.

General Manager Steve Knell stated that the end result was that there is no capacity in the North Main to provide water to Eugene at this time.

ITEM NO. 25
COMMUNICATIONS

Safety Activities

1. OID has gone 180 days without a lost time injury accident. Our second highest recorded period of injury free work.

Administration Activities

1. No progress on the OID property appraisal.
2. Kevin King attended a conference of the United States Committee on Irrigation and Drainage in Boise, Idaho. Kevin is a Committee member for the International meeting sponsored by USCID next year in Sacramento.
3. Greg Eldridge with CH2M Hill and the GM has prepared a Professional Paper Abstract on the development of OID's Water Resources Plan to hopefully be selected to give a presentation at that conference.
4. Twer site visit with Ijams.
5. Holt Enterprise is looking for a site for their parts. I talked to Dave Davis about a possible site at the OID yard.

Financial Accounting Activities

1. Prepared and mailed annual ag water billing.
2. Prepared and mailed 2,800 rebate checks. A much needed thanks to the Accounting Staff who worked overtime to get these billings out in such a timely manner.
3. Met seven times with Union since the last board meeting.
4. Benefits Fair was held November 15th with about 40 plus employees attending.
5. Preparation for open enrollment for 2007's 125 Cafeteria Plan.

C&M Operations Activities

1. Second Phase of the Frymire Lateral bank stabilization completed.
2. River Road Lateral road crossing at Pioneer Road completed.
3. Campbell Pipeline Replacement Project by RTC continues. Completion scheduled for December 29, 2006
4. Preston Pipelines completed pipe installation on the North Dudley Pipeline project.

5. Bank rehabilitation continues on the South Main Upstream of Tunnel 9
6. Crouch Pipeline structure at Sawyer road demolished and being replaced
7. Concrete Control Structure for the Union Pipeline on Stoddard Road was demolished and re-construction began.
8. Pipeline leaks identified during the Water Season being repaired.
9. Winter Work Identification and Scope Development program issued and updated on a weekly basis.
10. Ditch cleaning program continues as well as tree trimming and bank clearing.

Engineering Activities

1. Design continued on the Lambuth Pipeline, Clarke Pipeline and the Merrihew Pipeline Replacements.
2. Continued design on the Claribel/Stowell Bifurcation Project.
3. Monitoring contractors for the Campbell Pipeline Replacement North Dudley pipeline replacement projects.
4. Response to Suspense Forms.
5. Providing support to the Water Operations Department.
6. Completing engineering drawings for the Pioneer, Bentley, Crow and Sonora road crossings.
7. Worked with Contractor for replacing of the Union P/L Control Structure on Stoddard Road
8. Support to Construction & Maintenance department.

A. **COMMITTEE REPORTS**

There were no committee reports made.

B. **DIRECTORS' COMMENTS/SUGGESTIONS**

Director Alpers

Director Alpers had no comments.

Director Clark

Director Clark had no comments.

Director Webb

Director Webb stated that he understands that the District wants to send out projects to engineering firms to get projects on the shelf; however, he asked if it would be better to hire another engineer or if it is better to contract with an engineering firm. General Manager, Steve Knell, stated that in the short term it is better to contract with an engineering firm; however, in the long term the District needs to decide how best to meet the long term capital replacement engineering needs.

Director Bairos

Director Bairos had no comments.

Director Taro

Director Taro had no comments.

At the hour of 10:40 a.m. a motion was made by Director Taro, seconded by Director Clark, and unanimously supported to go into Closed Session.

ITEM NO. 26
CLOSED SESSION

A. *Government Code §54957.6 Conference with Labor Negotiator*
Agency Negotiator: Katherine Boyd
Unrepresented Employees: Operating Engineers Local Union No. 3

At the hour of 11:10 a.m. a motion was made by Director Webb, seconded by Director Bairos and unanimously supported to return to the regular meeting.

General Manager, Steve Knell stated that there was no reportable action following Closed Session.

President Steve Webb stated that the December 5, 2006 Board Meeting would be cancelled due to Directors attendance at the ACWA Conference and that the Board of Directors would hold a Special Meeting on December 4, 2006.

OTHER ACTION
ITEM NO. 27

At the hour of 11:13 a.m. a motion was made by Director Clark, and seconded by Director Bairos, and unanimously supported to adjourn to the next **Board of Director's Meeting** which will be a Special Meeting on **Monday, December 4, 2006, at 9:00 a.m.** at the Oakdale Irrigation District Office, 1205 East F Street, Oakdale, CA 95361.

The next **regular Joint Board Meeting for the Tri-Dam Project** is scheduled for **Thursday, December 21, 2006, at 9:00 a.m.** in the Board Room of the Oakdale Irrigation District 1205 East F Street, Oakdale, California.

Jack D. Alpers, Vice President

Attest:

Steve Knell, P.E., Secretary