

# MINUTES

Oakdale, California  
May 18, 2004

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: Frank B. Clark, President  
Steve Webb  
Jack D. Alpers  
Louis Brichetto  
Tony Taro

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

## **ADDITION OR DELETION OF AGENDA ITEMS**

There were no additions or deletions of agenda items.

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

There were no actions to take various items out of sequence.

Director Brichetto requested that Items No. 1, 2, 3, 7, 8, and 13 be heard as action items. A motion was made by Director Alpers, seconded by Director Webb and unanimously supported to remove Items No. 1, 2, 3, 7, 8, and 13 from the Consent Calendar.

## **CONSENT ITEMS ITEMS NO. 4, 5, 6, 9, 10, 11, 12**

### **ITEM NO. 4 APPROVE THE MONTHLY CHIEF FINANCIAL OFFICER AND TREASURER'S REPORT FOR THE MONTH ENDING APRIL 30, 2004**

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve the monthly Chief Financial Officer and Treasurer's Report for the month ending April 30, 2004.

**ITEM NO. 5**  
**APPROVE DIRECTOR'S COMPENSATION RELATING TO ABSENCE**

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve Director's compensation relating to absence.

**ITEM NO. 6**  
**APPROVE A RESOLUTION AUTHORIZING A QUITCLAIM DEED TO MARK AND MAUREEN JUDD FOR AN IRRIGATION AND DRAINAGE EASEMENT**

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve a Resolution Authorizing a Quitclaim Deed to Mark and Maureen Judd for an Irrigation and Drainage Easement.

**ITEM NO. 9**  
**APPROVE AWARDING OF A CONTRACT FOR WATER QUALITY FIELD SAMPLING FOR AG WAIVER MONITORING TO DEL-TECH GEOTECHNICAL SUPPORT SERVICES**

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve awarding of a contract for water quality field sampling for Ag Waiver monitoring to Del-Tech Geotechnical Support Services.

**ITEM NO. 10**  
**APPROVE AWARDING OF A CONTRACT FOR WATER QUALITY ANALYSIS FOR AG WAIVER MONITORING TO BSK ANALYTICAL LABORATORIES**

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve awarding of a contract for water quality analysis for Ag Waiver monitoring to BSK Analytical Laboratories.

**ITEM NO. 11**  
**APPROVE AND CERTIFY THE VOTE OF THE IMPROVEMENT DISTRICT NO. 52 MEMBERSHIP TO PROCEED WITH THE CALTRANS PROPERTY EVALUATION**

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve and certify the vote of the Improvement District No. 52 membership to proceed with the CALTRANS property evaluation.

**ITEM NO. 12**  
**APPROVE DEVELOPER AGREEMENT FOR**  
**FRONTIER LAND COMPANIES**

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve a Developer Agreement for Frontier Land Companies.

**ACTION ITEMS**  
**ITEMS NO. 1, 2, 3, 7, 8, 13, 14, 15, 16**

**ITEM NO. 1**  
**APPROVE THE BOARD OF DIRECTORS' MINUTES OF THE**  
**REGULAR MEETING OF MAY 4, 2004**

Director Brichetto requested that Item No. 3 be amended to show a second to the motion by Director Brichetto and amend Item No. 8 by adding "at the end of water season" to the last sentence.

A motion was made by Director Brichetto, seconded by Director Alpers and unanimously supported to approve the Board of Directors' Minutes of the regular meeting of May 4, 2004 pending a review of the requested change by Director Brichetto on Item No. 8. (Memo dated May 4, 2004 to the Board shows no change to Item No. 8).

**ITEM NO. 2**  
**APPROVE OAKDALE IRRIGATION DISTRICT'S**  
**STATEMENT OF OBLIGATIONS**

The entry for Industrial Electrical Company under purpose should state Install Rural Water System No. 1. The Board requested that the General Manager identify those items which reflect an increase in the rise for the budgeted amount for attorneys' fees at the Board meeting to be held June 1, 2004.

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

**ITEM NO. 3**  
**APPROVE OID IMPROVEMENT DISTRICTS'**  
**STATEMENT OF OBLIGATIONS**

A motion was made by Director Alpers, seconded by Director Brichetto and unanimously supported to approve OID Improvement Districts' Statement of Obligations.

**ITEM NO. 7**  
**APPROVE AN ENCROACHMENT AGREEMENT ON THE**  
**CRANE LATERAL FOR JOHN BRICHETTO**

A motion was made by Director Alpers, seconded by Director Webb to approve an encroachment agreement on the Crane Lateral for John Brichetto and was voted as follows:

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

**ITEM NO. 8**  
**APPROVE AN ENCROACHMENT AGREEMENT ON THE**  
**RIVERBANK LATERAL FOR THE**  
**VAN DYKES' AND THE BRICHETTOS'**

A motion was made by Director Alpers, seconded by Director Webb to approve an encroachment agreement on the Riverbank Lateral for the Van Dykes' and the Brichettos' and was voted as follows:

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

**ITEM NO. 13**  
**APPROVE THE FINAL ACCEPTANCE AND PAYMENT**  
**FOR THE HIRSCHFELD PROJECT**

A motion was made by Director Alpers, seconded by Director Brichetto and unanimously supported to approve the final acceptance and payment for the Hirschfeld Project.

**ITEM NO. 14**  
**REVIEW AND TAKE POSSIBLE ACTION ON**  
**OPTIONS FOR THE CLAVEY PROPERTY**

On August 26, 1960, Milton F. Parker and Camille Parker sold the parcel of land on which the Clavey house now resides to Oakdale Irrigation District for an unknown fee. The District relocated a residence to the property allowing District staff and members of the public to rent the house. The house is still rented today for a monthly fee of \$350.00. The original agreement stated in part: ".....In the event the district desires to sell or dispose of its title to said land, it shall first give written notice of such desire to Parker or their successors in ownership of a majority in acreage of the adjoining land now owned by Parker and shall have 120 days after receipt of such notice within which to purchase said land from district by paying district a purchase price of three hundred (\$300.00) dollars. In the event said purchase price is not paid within said 120 days, district may sell or dispose of said land to others.."

The adjoining property is still owned by the Parkers and the agreement still pertains to the original land owners. The Clavey house sits on top district owned facilities and caution should be exercised in foregoing the interest in this property. A copy of the Clavey house agreement, legal review letter of May 18, 1993, May 11, 2004 staff memo and project location map were included for board review.

A motion was made by Director Alpers, seconded by Director Brichetto and unanimously supported directing the General Manager to obtain a rental appraisal and bring back to the Board for further consideration after an appraisal is received.

### **PUBLIC COMMENTS**

Mr. Tom Gookin questioned the outcome of the meeting with PG&E. General Manager Steve Knell stated that PG&E had agreed to pay the bill.

Mr. Tom Gookin questioned the status of the blockage in the Wills Lateral that affects his irrigation and floods his neighbor. General Manager Steve Knell stated that the neighbor in question apparently had a problem with OID entering his property, but that he would have Mr. Jernigan look into the status of this.

Mr. Henry Burtschi stated that he had questions regarding the \$1,000 surety bond and suggested that it should be \$10,000. Mr. Burtschi also questioned how private pipelines are dealt with when they experience problems.

Mr. Laurens Foard questioned whether or not field crews have authority to make special deals with landowners. Director Clark asked for specific individuals that had special deals and Mr. Foard stated that it was Brian Beckworth. Director Clark stated that if Mr. Beckworth has issues with the District then he should attempt to resolve those with the General Manager. General Manager Steve Knell stated that a Department Manager has certain authorities and liberties within an approval authority range to make certain agreements and he is the only one that can make those kinds of promises. Director Clark stated that certain people have the right to make agreements based upon their authority as it is given by District policy and the General Manager.

Mr. Ken Krause questioned the DaSilva dairy project cost and status. General Manager Steve Knell stated that those individuals working on this project were not present to answer his questions.

Mr. Henry Burtschi stated that the groundwater information provided in the Board packages was more information than he needed.

**ITEM NO. 15**  
**REVIEW AND TAKE POSSIBLE ACTION ON A**  
**GENERAL SERVICES CONTRACT WITH RTC**

The District is utilizing Richard Townsend Construction dba RTC for emergency repair work. Emergency and other work can be authorized by the Services and Purchasing Policy. For some emergencies, there is insufficient time to prepare a contract. Unless there is a contract with a vendor, insurance is not valid even if the District has their insurance certificate naming the District as an additional insured. Therefore, staff has addressed this situation by preparing a General Services Contract to validate the vendor's insurance. As needs arise, a work release will be issued for any subsequent work necessary under the General Services Contract.

Mr. Henry Burtschi commented that RTC's rates were too high. Director Webb agreed with this opinion.

Director Clark stated that perhaps there could be three pre-approved contracts. OID chooses the one that is lowest and if they are not available another contractor could be utilized.

A motion was made by Director Alpers, seconded by Director Brichetto that at least three bids should be received for general services work and that after the bids are received that this should be brought back for further review.

**ITEM NO. 16**  
**REVIEW AND TAKE POSSIBLE ACTION ON THE**  
**ALLOCATION OF GENERAL FUNDS FOR THE**  
**CONCRETE LINING OF THE CLARIBEL LATERAL**

On April 28<sup>th</sup>, Joe Silveira cut a 3-4 foot vertical wall adjacent to and parallel with the east bank of the Claribel Lateral right-of-way north of Milnes Road. This action has created a hazard to the stability of the earthen Claribel Lateral and needs to be addressed. The long term solution is to fold the Claribel Lateral in; re-dig the ditch and concrete line the section for about ½ mile north of Milnes Road. Additionally, the County road crossing at Milnes Road for the Claribel Lateral will also need to be replaced. The estimated cost for this work is \$250,000.

To remedy the other damages caused by Mr. Silveira the following actions are to be proposed to Mr. Silveira:

For the damage to the delivery pipe serving Mr. Silveira's 5-acres: It is proposed to move the turnout and delivery pipe 200-250 feet to the south and reinstall same outside the existing cut area. The pipe and gate will be upsized to 15-inches to maintain the same flow. This relocation estimated cost is approximately \$4,000 of which Mr. Silveira will be asked to deposit \$400 for a new gate and a 20-foot joint of pipe.

For the damages to the Palmer Pump Pipeline: OID will absorb the cost for repair of this damage. Estimated cost to repair and lower pipe is \$5,000.

A Special Committee of the Board consisting of Director Alpers and Brichetto met at the site. Director Alpers stated a meeting took place on the Silveira property between Director Brichetto, himself, General Manager Steve Knell, Mr. Silveira and his legal representative. All parties seemed to agree that the best way to resolve this issue would be to fold the Claribel Lateral in, re-dig the ditch, concrete line the section for about ½ mile north of Milnes Road, and replace the County road crossing at Milnes Road for an estimated cost of \$250,000.

A motion was made by Director Brichetto, seconded by Director Alpers and unanimously supported to approve the allocation of general funds for the concrete lining of the Claribel Lateral. The estimated cost for the work is \$250,000.

### **DISCUSSION ITEMS 17, 18, 19**

#### **ITEM NO. 17**

#### **DISCUSSION ON THE CHANGES IN GROUNDWATER ELEVATION OVER TIME IN THE OAKDALE AREA**

At the last Board meeting there was discussion regarding the historical changes in groundwater over time in the Oakdale area. The General Manger was instructed to provide a brief summary for the public and the Board regarding this issue.

Data was presented detailing 43 wells monitored within that area over a 27 year period of time. The following documents were included for Board Review:

- State Department of Water Resources, Equal Lines to Groundwater Depths, Spring 1992
- State Department of Water Resources, Equal Lines to Groundwater Depths, Spring 2001
- Groundwater Levels in the San Joaquin Valley Modesto Groundwater Basin 1970-1997
- To be presented at the Board Meeting are OID groundwater well levels recorded from 1940-1960
- Schematic of Aquifer Locations, Modesto Irrigation District, 1996

General Manager Steve Knell stated that of the 43 wells, only 1 showed no decline in groundwater levels.

**ITEM NO. 18**  
**DISCUSS THE PROCESS FOR THE SELECTION OF OID'S**  
**WATER RESOURCES PLANNING CONTRACTOR**

OID received four submittals to the RFP sent out to develop its Water Resources Plan. The purpose of this discussion item was to get a sense from the Board on the timing, interview dates, and processing of the submittals. The following is the selection process as identified in the RFP:

**Evaluation and Selection Process**

- b. All proposals shall be submitted to a screening committee, the composition of which shall be determined by the Board of Directors.
- c. Qualifications and references of the top candidates based upon proposal responses will be verified.
- d. The Board of Directors will conduct personal interviews of the top candidates, narrow the list, and make the final selection and appointment.
- e. The Board of Directors will then likely appoint a subcommittee of Board members and Oakdale Irrigation District staff to negotiate the terms and conditions of a contract, which must then be approved by formal Board action.
- f. The formal contract outlining duties and compensation will be entered into with the successful firm or individual.
- g. The start date to begin planning services to the Oakdale Irrigation District will be a negotiated contract item.

Director Clark stated that all Board members should review the materials and be prepared to vote at the next Board meeting as to those candidates they wished to interview. After the selections are made Interviews will be coordinated to be held before the entire Board, Water Counsel and the General Manager.

**ITEM NO. 19**  
**DISCUSSION OF REVISIONS TO**  
**OID'S SUBDIVISION POLICY**

Current Parcel Split and Subdivision Policies were approved by the Board of Directors on August 8, 1997. Staff recommended one document for both parcel splits and subdivisions that include amended and updated language addressing development impact to OID. A revised Subdivision Policy was included for Board review.

After review by the Board the General Manager was instructed to forward to Counsel for legal review before this revised Subdivision Policy takes effect.



## A. **GENERAL MANAGER'S REPORT**

### **Resource Issues**

1. We are staying on 12 day rotations for the near future. "Typically" 10 rotations begin in late June.
2. Moss problems continue to grow throughout the district. We have a fairly good feeling that the State Water Board will approve the State's General Permit for the use of Aquatic Pesticides at their May 21<sup>st</sup> meeting. Our treatment of the canals will begin a couple of days after that date.

### **Resource Contracts**

1. A meeting with Grant Davids on the development of OID's Ag Water Management Plan is scheduled for May 21<sup>st</sup>.

### **Current Internal Activities**

1. We met with PG&E and they have agreed to pay the OID's damage claims on the Tulloch Lateral.
2. Kevin King and Mike Hanf are getting the necessary paperwork together in order to file for the NPDES Permit for use of aquatic pesticides.
3. An employee suffered a back injury while using a motorized post-hole digger. This is the second injury sustained on this device in the last year and a half. OID's Safety Representative has recommended retiring this equipment.

### **Current Board Requests, On-Going Planning Activities and Active Programs**

#### **Consuming Staff Time**

1. Water Resources Plan-Contractor Selection (Knell)
2. Tri-Dam Power Re-Licensing-Material Review (Knell)
3. The Five-Year Capital Construction Budget Plan (Jernigan, Davids)
4. The Canal/Lateral/Drain Cleaning Program Development (Jernigan, Davids, Nielsen, Hanf, Laidlaw,)
5. The Long-Term Revenue Plan (Cook and Knell)
6. The Domestic Water Revenue Study (Cook and Knell)
7. ID 52 Well Replacement (Nielsen)
8. Summer Newsletter (King and Knell)
9. Domestic Water Newsletter (Cook, Nielsen, Knell)
10. 2005 Budget preparation (Cook, Jernigan, Knell)
11. Implementation and Management of Water Measurement Program (King)
12. Implementation of Turnout Measurement Program (King)
13. Development of OID's Ag Water Management Plan (AB3616) (King and Knell)
14. Development of a Regional Groundwater Management Plan (AB 1398) (King and Knell)
15. Aquatic Pesticide Application and NPDES Permit Process (Hanf and King)
16. Implementation and Start Up for the Ag Waiver Compliance Program for sampling and monitoring (King)
17. P.R.&R. Consolidation (Chapman)
18. Gray Book Revisions (Chapman and Knell)

19. Policy Revisions for Subdivision Policy, Fencing Policy, Drainage Policy, Access Policy for Reclamation and Deep Well Usage (Davids and Knell)

We are peddling as fast as we can while still being 30% short in our Management Staff!

**Legal Activities**

1. Attorney Ijams will be present to brief the Board on his activities.

**B. GENERAL COUNSEL'S STATUS REPORT** – General Counsel Michael Ijams stated this his report would be given during Closed Session.

**C. COMMITTEE REPORTS**

Domestic Water Committee

- Direct Alpers reported that he and Director Webb met with Improvement District No. 52 members. The members have agreed to allow OID to spend \$10,000 to try and acquire property from CALTRANS. Additional information will be provided at upcoming Board meetings.

**D. DIRECTORS' COMMENTS**

Director Brichetto

- Director Brichetto stated that it would be nice if OID had a handout with charts on how to measure water at the turnouts for water users. General Manager Steve Knell stated that this information would be included in the Grey Book which is in the process of revision.

Director Alpers

- Director Alpers attended the recent ACWA conference. During the conference, two Directors met with PG&E to express their concerns about the bids to Tri-Dam Power. Director Alpers also attended a very extensive program on water rights in the future. From that meeting it was clear that the State of California is going to want water for urban uses. While attending a fisheries meeting it was clear that Mr. O'Laughlins' predictions were right.

Director Clark announced that during Closed Session a conference would be held with legal counsel regarding existing litigation, 2 cases and potential litigation, 3 cases.

At the hour of 12:15 P.M. a motion was made by Director Alpers, seconded by Director Brichetto and unanimously supported to adjourn to Closed Session.

At the hour of 12:25 a motion was made by Director Alpers, seconded by Director Brichetto and unanimously supported to adjourn the Closed Session and return to the regular meeting.

Director Clark announced that no action was taken during Closed Session.

At the hour of 12:27 P.M. a motion was made by Director Brichetto, seconded by Director Alpers and unanimously supported to adjourn to the next **regular Board of Directors' Meeting** to be held on **Tuesday, June 1, 2004 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, May 20, 2004** at 9:00 A.M. at the Tri-Dam Project Office, 31885 Old Strawberry Road, Strawberry, CA 95375.

Attest:

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Steve Knell, P.E.  
General Manager/Secretary