

## **MINUTES**

Oakdale, California  
March 6, 2007

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, Vice President  
Tony Taro  
Al Bairos, Jr.  
Frank B. Clark

Staff Present: Steve Knell, P.E., General Manager/Secretary  
Kevin King, Water Operations Manager  
Kathy Cook, Chief Financial Officer  
Gary Jernigan, Support Services Manager  
John Davids, Assistant, Engineer/Support Services Manager  
Bob Nielsen, Water Operations Supervisor

### **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 items taken out of sequence.

At the hour of 9:01 a.m. the Board welcomed public comment.

### **PUBLIC COMMENT ITEM NO. 1**

Charles Neal stated that he came before the Board in January and addressed them concerning a property located on Snedigar Road in Riverbank and the fact that the District was not going to provide out-of-district irrigation water to the out-of-district parcels in Riverbank. Mr. Neal stated that he was before the Board today to discuss the fact that the District has now locked the gates and sealed off the valves to these parcels. He was surprised that this had occurred because he thought that there was going to be further discussion prior to this being done.

Delores Cole who lives at 453 S. California Avenue in Riverbank stated that her private line has been cemented shut by the District. Ms. Cole stated that if she could no longer receive irrigation water to her property then the District should not be allowed to run storm and drain water through her property and the drain should also be plugged.

There being no further Public Comment; Public Comment closed at 9:26 a.m. and the Board Meeting continued.

Director Clark requested that Item No. 3 be pulled from the Consent Calendar.

**CONSENT ITEMS**  
**ITEM NOS. 2, 4, 5, 6, 7, 8, 9, 10**

**ITEM NO. 2**  
**APPROVE THE BOARD OF DIRECTORS' MINUTES**  
**OF THE REGULAR MEETING OF FEBRUARY 20, 2007**  
**AND RESOLUTION NOS. 2007-08 AND 2007-09**

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 February 20, 2007, and Resolution Nos. 2007-08 and 2007-09.

**ITEM NO. 4**  
**APPROVE THE TREASURER AND CHIEF**  
**FINANCIAL OFFICER'S REPORT FOR**  
**THE MONTH ENDING JANUARY 31, 2007**

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 January 31, 2007.

**ITEM NO. 5**  
**APPROVE PURCHASE OF AN**  
**AUTOMATIC EXTERNAL DEFIBRILLATOR (AED)**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the purchase of an Automatic External Defibrillator (AED).

**ITEM NO. 6**  
**APPROVE QUITCLAIM OF MERRIHEW PIPELINE**  
**EASEMENT (APN: 020-048-035 – REEVES)**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Quitclaim of Merrihew Pipeline Easement (APN: 020-048-035 – Reeves).

**ITEM NO. 7**  
**APPROVE QUITCLAIM OF UNION LATERAL RIGHT**  
**OF WAY EASEMENT (APN: 020-017-020 – SONS)**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Quitclaim of Union Lateral Right of Way Easement (APN: 020-017-020 – Sons).

**ITEM NO. 8**  
**APPROVE RESOLUTION OF**  
**ABANDONMENT OF THE BENTLEY PIPELINE**

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

**ITEM NO. 9**  
**APPROVE ENCROACHMENT AGREEMENT ON**  
**THE CHAPPEL LATERAL (APN: 207-021-002 – DUTRA)**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Encroachment Agreement on the Chappel Lateral (APN: 207-021-002 - Dutra).

**ITEM NO. 10**  
**APPROVE ENCROACHMENT AGREEMENT ON**  
**THE STEVENOT LATERAL (APN: 002-052-024 – RUVALCABA)**

A motion was made by Director Alpers, seconded by Director Bairos, and unanimously supported to approve the Encroachment Agreement on the Stevenot Lateral (APN: 002-052-024 – Ruvalcaba).

**ACTION CALENDAR**  
**ITEMS NOS. 3, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23**

**ITEM NO. 3**  
**APPROVE OAKDALE IRRIGATION**  
**DISTRICT STATEMENT OF OBLIGATIONS**

Director Clark had a question regarding the expenditure to Modesto Irrigation District for the Groundwater Association and wanted to know if every member had to pay this sum. General Manager, Steve Knell, responded that all of the member agencies pay this sum annually to the Stanislaus/Tuolumne Groundwater Management Association. These funds are paid to the USGS for operational expenses associated with the development of a Groundwater Model for the Modesto Basin Study Area.

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

**ITEM NO. 11**  
**REVIEW AND TAKE POSSIBLE ACTION ON**  
**REHABILITATION WORK ON WEST OAKDALE IRRIGATION**  
**DISTRICT NO. 1 PIPELINE (APN: 010-021-005 – GAGOS)**

In September of 2006, the Board instructed Staff to investigate the various options to backfill the West Oakdale No. 1 Pipeline from Foxborough Drive upstream for a distance of approximately 800 feet or to the Gagos' east property line. Staff had Provost & Pritchard

do a site visit and provide options for the best possible solution. During and after the site visit, the assigned geotechnical engineer had reservations about backfilling the ditch to its pre-ditch condition and the long term stability of such work. But, per the Board's direction, Provost & Pritchard provided a plan for an engineered fill to be installed.

Provost & Pritchard proposes bring the backfill up in the existing ditch in six (6) inch lifts to an elevation and contour representative of the original topography. This will require an engineered fill with a geo-fabric keyed into the hill side to prevent erosion as much as possible. The work will require on site inspection full time for compliance and compaction tests.

Staff and management continue to advise the Board against this work. ACWA/JPIA's legal counsel and OID's general counsel have advised the Board of its future risks should it proceed.

Should the Board vote to proceed, the Board will need to approve a budget authorization of \$103,144 and authorize the General Manager to execute a contract with a certified geotechnical contractor.

Mr. Gagos was present at the hearing and stated his position on this matter.

After discussion between the Board and Mr. Gagos, a motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to fill in the ditch, compact and level the West Oakdale No. 1 Pipeline on the Gagos Property (APN: 010-021-005).

**ITEM NO. 12**  
**REVIEW AND TAKE POSSIBLE ACTION ON DISPOSAL**  
**OR DESTRUCTION OF THE TOWN "E" DEEP WELL**

At the December 19, 2006 meeting the Board approved the abandonment and destruction of OID's Town "E" Deep Well Pump Site.

Staff solicited bids from six (6) contractors to remove the pump and support equipment and to destroy the well. Bids were opened at 2:05 pm on January 31, 2007, with Don Pedro Pump Company being the lowest responsible bidder. Staff recommends the Board award the contract for the destruction of the Town "E" Deep Well Pump Site to Don Pedro Pump.

The Board instructed the General Manager, Steve Knell, to contact John Brichetto to see if he is interested in purchasing the Town "E" Deep Well Pump. The Board also instructed the General Manager to speak with the District's Legal Counsel to find out what legal ramifications may exist.

A motion was made by Director Webb, seconded by Director Clark, and unanimously supported to have the General Manager contact legal counsel to find out the legal ramifications of selling the deep well pump, to contact John Brichetto to see if he is interested in purchasing the deep well pump for a reasonable sum and, if Mr. Brichetto is not interested in purchasing the deep well pump, to award the contract for the destruction of the Town "E" Deep Well Pump to Don Pedro Pump.

**ITEM NO. 13**  
**REVIEW AND TAKE POSSIBLE ACTION ON CANCELLATION**  
**OF LATE PAYMENT PENALTIES (APN: 064-031-031/032 – SARDELLA)**

Mr. Sardella is requesting that the first installment penalties on parcel numbers 064-031-031/032 be cancelled. He states that his check has not cleared the bank and feels he attempted to pay in good faith.

In accordance with Board Policy and California Water Code section 26000, the Board shall order the Treasurer, to cancel or modify an assessment when it finds that any property has been either:

- (a) Assessed in any year more than once.
- (b) Assessed by reason of a clerical error for more than its cash value.
- (c) Computed for assessment on an excessive acreage.
- (d) Assessed while not in district.

Any other cancellation or modification to charges not mentioned in Section 26000 or in this resolution shall be submitted to the Board of Directors for consideration.

A motion was made by Director Alpers, seconded by Director Clark, and unanimously supported to approve the cancellation of the late payment penalties in the sum of \$81.01 (APN: 064-031-031/032 – Sardella).

**ITEM NO. 14**  
**REVIEW AND TAKE POSSIBLE ACTION**  
**ON AVAILABILITY OF SURPLUS WATER**

As of this writing, no March 1 snow survey data was available for the Stanislaus Basin. The Mokelumne River Basin had 2 of 11 stations reporting March 1 data showing 65% of April 1 water in that basin. An improvement if that carries over into the Stanislaus Basin, but still not sufficient to determine the availability or not of "surplus" water. Based on best available current information, Staff recommends that for 2007 no surplus water be declared until after April snow reports are in.

Staff recommends a discussion be held at the next meeting regarding the misnomer that the term "surplus water" means.

Director Bairos requested that the district send a water user notice to the out-of-district water users advising them that there is a possibility that there will be no surplus water and that the availability of surplus water will be readdressed at the Board Meeting on April 3, 2007.

A motion was made by Director Clark, seconded by Director Alpers, and unanimously supported to readdress availability of surplus water on April 3, 2007, and to send out a water user notice to the out-of-district water users.

**ITEM NO. 15**  
**REVIEW AND TAKE POSSIBLE ACTION**  
**ON AVAILABILITY OF SURPLUS**  
**WATER FOR OUT-OF-DISTRICT LANDS**

As provided by policy, OID makes a determination on the availability of “surplus” surface irrigation water for “out-of-District” annual agreements at the first board meeting in March. The March 1 snow survey was not available at the writing of this agenda, but indications are that it is too early to make a prediction on available supplies for the 2007 water season.

In order to accommodate the current *tentative list* of out-of-district land applicants OID would need to declare approximately 6,700 acre-feet “surplus” for the 2007 water year. That amount of water represents the volume used in providing ½ a rotation, which could be significant to in-district users in a water short year.

Director Clark requested that the Riverbank out-of-district water users be placed back on the Agenda for consideration by the Board of Directors.

A motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to move this Agenda item to the April 3, 2007 Board Meeting.

**ITEM NO. 16**  
**REVIEW AND TAKE POSSIBLE ACTION ON**  
**RESOLUTION SETTING 2007 WATER RATES FOR IRRIGATION**  
**OF LANDS OUTSIDE OAKDALE IRRIGATION DISTRICT BOUNDARIES**

As provided for in the District’s Agreement for Irrigation of Lands Outside District Boundaries, surplus irrigation water is determined to be available (surplus) or not at the first meeting in March. Rates for the delivery of water to lands outside district boundaries are set before the determination of surplus water, hence the purpose of this agenda item.

Based on the attached rate analysis, the “unsubsidized” rate for water in 2007 is \$53 per acre foot (flow rate) or \$262 per acre based on the OID’s 2007 budget.

In 2006, the per-acre charge for out-of-district water was as follows:

- \$19.59 per acre foot, or
- \$79.30 per acre for those landowners owning less than 10 acres, and
- \$62.40 per acre for those landowners owning 10 acres or larger.

The Board is requested to set a rate for the *per acre* receipt of water and a *per acre-foot* rate for all applicants who are required to pay for the volume of out-of-district water they receive.

There was no action taken on this Item; it will be placed on the April 3, 2007 Agenda.

**ITEM NO. 17**  
**REVIEW AND TAKE POSSIBLE ACTION**  
**ON START OF 2007 WATER SEASON**

If no measurable precipitation develops, it is expected that soil moisture levels would require irrigation by the end of March. Hence starting the irrigation season on the 15<sup>th</sup> would insure that those at the end of the first 14 day rotation (March 29<sup>th</sup>) would have water in ample time.

A motion was made by Director Clark, seconded by Director Bairos, and unanimously supported to approve March 15, 2007 as the start of the 2007 water season.

**ITEM NO. 18**  
**REVIEW AND TAKE POSSIBLE ACTION AUTHORIZING**  
**GENERAL MANAGER TO EXECUTE A CHANGE**  
**ORDER TO CH2M HILL FOR FINALIZING THE**  
**CEQA DOCUMENT FOR THE WATER RESOURCES PLAN**

The public comment period on the CEQA document supporting OID's actions to implement its Water Resources Plan has closed. CH2M Hill is revising its scope of work to complete this final CEQA processing phase. The General Manager is requesting that the Board authorize him to execute this contract amendment.

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported authorizing the General Manager to execute a Change Order to CH2M Hill for finalizing the CEQA document for the water resources plan.

**ITEM NO. 19**  
**REVIEW AND TAKE POSSIBLE ACTION TO**  
**CONDITIONALLY APPROVE PAYMENT OF CLAIM FOR**  
**DAMAGES ON FAIRBANKS LATERAL (APN: 207-021-002 – DUTRA)**

On September 27, 2006, Oakdale Irrigation District (OID) received a claim from Mr. Joe Dutra as it pertained to costs associated with removal of abandoned cast-in-place (CIP) pipe and misc. removal of two (2) concrete structures and two (2) airvents. Staff has discussed this issue with Mr. Dutra, gone through the invoices as attached to his original claim and is recommending payment in the amount of \$2616.60 as noted below on the condition that Mr. Dutra sign the Grant of Easement documentation needed for the new relocated facility. Please refer to the attached staff memo dated February 20, 2007 for further clarification. Once this amount has been approved for payment by the Board of Directors and the easement has been signed staff recommends sending the necessary documentation on to ACWA JPIA for final claim processing.

A motion was made by Director Alpers, seconded by Director Taro, and unanimously supported to approve payment of the claim for damages on the Fairbanks Lateral in the sum of \$2,616.60 conditioned upon Mr. Dutra executing the Grant of Easement (APN: 207-021-002 – Dutra).

**ITEM NO. 20**  
**REVIEW AND TAKE POSSIBLE ACTION**  
**TO AMEND AND EXTEND THE EXISTING**  
**SCHWARTZ SUBDIVISION WILL SERVE LETTER**

The developer of the Schwartz Subdivision is requesting to amend the existing Will Serve Letter from the original six (6) lots to three (3) lots and to extend the Will Serve Letter for an additional two years as described in Section 10 of the current Will Serve Letter issued on April 19, 2005.

The developer is currently in negotiations with the Improvement District No. 46 committee and membership over the terms and conditions required to de-annex the properties in question from within the boundaries of the improvement district. These negotiations will not be completed before the existing Will Serve Letter expires.

A motion was made by Director Clark, seconded by Director Bairos, and unanimously supported to amend and extend the existing Schwartz Subdivision Will Serve Letter.

**ITEM NO. 21**  
**REVIEW AND TAKE POSSIBLE ACTION TO AMEND**  
**GENERAL SERVICES CONTRACT WITH ASTONE**

Vern Crow with Astone has been contacted to provide publication services for the District's Annual Report. In addition, other services are being considered that include preparation and input on OID's 100<sup>th</sup> year celebration, the spring/summer newsletter (Astone did the fall newsletter) and other public relations areas as may be identified. To meet these varying needs, staff is recommending a not to exceed budget of \$25,000 for these purposes.

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported to amend the General Services Contract with Astone Agency.

**ITEM NO. 22**  
**REVIEW AND TAKE POSSIBLE ACTION ON AWARD**  
**OF BID FOR THE PURCHASE OF SEMI TILTBED TRAILER**

The District has budgeted \$35,000 for a new semi tiltbed trailer. Bids were solicited from six (6) vendors. Two (2) vendors responded. Bonander Truck Sales quoted \$29,600 (not including taxes or registration) and Papé Machinery quoted \$30,607 (not including taxes or registration). The trailer is in stock and available from Bonander Truck Sales in Turlock while the trailer from Papé Machinery will have to be ordered with a 15 week wait for delivery.

Staff recommended the purchase of the semi tiltbed trailer from Bonander Truck Sales for \$31,783 (\$29,600 + \$2,183 for taxes but not including licensing) as well as an additional \$600 for chains and binders.



A motion was made by Director Clark, seconded by Director Bairos, and unanimously supported to award the bid for the purchase of a semi tiltbed trailer to Bonander Truck Sales.

**ITEM NO. 23**  
**REVIEW AND TAKE POSSIBLE ACTION ON AWARD**  
**OF BID FOR THE PURCHASE OF C&M CREW**  
**TRUCK BED, WATER UTILITIES BED AND APPURTENANCES**

The District has budgeted \$86,000 for a new C&M Crew Truck and Water Utilities Truck and \$26,000 for two new truck-mounted cranes. Bids were solicited from seven (7) vendors. Two (2) vendors responded for the truck beds and one for just the truck-mounted crane alone. Jack Hubbard Sales was the low bidder for all the items requested. The cranes were over budget by \$229.56 and the trucks with the truck beds were under budget.

Bid Item #1 Crew Truck Bed and Crane	\$21,500.00 (\$9,286 Bed & \$12,214 Crane)
Bid Item #2 Water Utilities Truck Bed	\$ 7,386.00
Bid Item #3 Truck-Mounted Crane	<u>\$12,214.00</u>
Sub-Total	\$41,100.00
Tax	<u>\$ 3,031.13</u>
Total	\$44,130.13

Cranes (2) total	\$26,229.56 (including tax)
Cranes (2) budget	<u>\$26,000.00</u>
Over	\$ 229.56

Crew Truck	\$33,859.96 (purchased previously)
Crew Truck bed	\$ 9,286.00
Water Utilities Truck	\$26,588.00 (purchased previously)
Water Utilities Truck bed	<u>\$ 7,385.00</u>
Subtotal	\$77,118.96
Tax	\$ 5,687.52
Tires	<u>\$ 21.00</u>
Total	\$82,827.48
Appurtenances	\$ 1,500.00
Subtotal	\$84,327.48
Budget	<u>\$86,000.00</u>
Under budget	(\$ 1,672.52)

Staff recommended the purchase of the C&M Crew Truck Bed w/Crane, Water Utilities Truck Bed and one additional Crane from Jack Hubbard Sales in the amount of \$44,130.13, with an additional amount of \$1,500 for crane slings, lights and appurtenances for a total amount of \$45,630.12.

A motion was made by Director Clark, seconded by Director Bairos and unanimously supported to award the bid on the C&M crew truck bed with crane, the water utilities truck bed, and one additional crane to Jack Hubbard Sales in the amount of \$45,630.12.

**ITEM NO. 24**  
**DISCUSSION**

Discussion/Presentation by Provost & Pritchard on Oakdale Irrigation District's GPS System.

Brian Ehlers with Provost & Pritchard was present and gave a PowerPoint Presentation on the GPS system installed with the District.

**ITEM NO. 20**  
**COMMUNICATIONS**

A. **GENERAL MANAGERS REPORT**

**Safety Activities**

1. OID has gone 286 days without a lost time injury accident.

**Administration Activities**

1. The planimeter in the Engineering Department went down and new one was purchased for \$827.
2. Form 700s are due back at OID on March 26, 2007

**Water Operations Activities**

1. Preparing for the 2007 Water Season

**Construction & Maintenance**

1. Substantial Completion has been reached on the Campbell Pipeline Project. Still some dress up needed once it dries out. The system can be operated.
2. Forms were stripped on the Claribel/Stowell Bifurcation project. Gates and Frames being installed now. Backfilling will begin as soon as the soil dries out to optimum moisture or close. System will be operational by March 9<sup>th</sup>.
3. North Main Crossing @ Sonora Road work continues. The west half of the new structure is complete and Cunningham and Son's is now working on the east half of the road crossing. The system will be operational on March 12<sup>th</sup>.
4. Union Drain Crossing @ Crow Road work continues. The floor, walls and roof has been poured and in the process of being stripped. The system will be operational on March 12<sup>th</sup>.
5. The Lambuth Pipeline Replacement Project is reaching the final stages of completion. Structures are poured, pipe installed and gates are to be installed on March 8<sup>th</sup> and 9<sup>th</sup>. System will be operational on March 12<sup>th</sup>.
6. Bricchetto Crossover has been completed and road construction started.
7. Union Pipeline replacement and relocation has started with completion scheduled for March 12<sup>th</sup>.
8. Merrihew Pipeline replacement has been awarded with start of work scheduled for March 9<sup>th</sup>. Work will be completed by March 21<sup>st</sup>. Water Operations is aware and has planned their deliveries accordingly.

9. Work to be completed before the start of Water Season has been priorities with 22 JSF to be completed by March 12<sup>th</sup>. Eight are being worked on now and two have been completed. Some of these JSF's are major projects with a "Band-Aid" fix for now.
10. Bank reconstruction on the Young Lateral immediately east of Twenty-Six Mile Road is being completed and will be operational on March 12<sup>th</sup>.
11. The Pesticide Department eye wash station has been completed
12. Various structures were cleaned and painted around the District

### **Engineering Activities**

1. The meeting with Stanislaus County to review and modify the existing road crossing replacement agreement was held and being revised.
2. Coordinating with Provost and Prichard on the preliminary engineering for the Brichetto/Claribel Diversion and the Tulloch/Burnett Diversion.
3. Development of Standard Details with Provost and Prichard.
4. Continued to provide engineering support to ongoing C&M projects.
5. Cores Survey network up and running.
6. Preparing list of 2007 design work for Giuliani and Kull, Inc.
7. Working on North Side Reservoir property appraisal with Cogdill and Giomi
8. Coordinating with contractors on the Lambuth Pipeline, North Main Crossing @ Sonora Road, the Union Drain Crossing @ Crow Road, the Merrihew Pipeline Replacement Project and the Union Pipeline Relocation Project.
9. Met with Joe Dutra and reached an agreement to be submitted to the Board for approval.

### **B. COMMITTEE REPORTS**

Community Relations Committee met on March 5, 2007 at 1:00 p.m. Director Alpers stated that the Committee met with the local school system about contributing towards an educational curriculum that teaches Oakdale students about water. The second item was to begin early planning for the 100-year celebration. Vern Crow from Astone was present at the Committee Meeting to give the District some input regarding the 100-year celebration. Director Alpers asked that anyone with ideas should pass their information on to the General Manager. Director Alpers also commended Joe Fos and Tom Laidlaw for the work that they had done so far in putting together some ideas for the celebration. Director Clark stated that this 100-year celebration will probably go on for several months or maybe the entire year by having something in the paper each week such as a historical fact about when the District started such as the old Tulloch system, Old Melones, New Melones, the Tri-Dam projects, and/or a feature on our employees. The celebration may consist of a luncheon or a dinner inviting certain representatives, and also selling tickets so that everyone has the opportunity to attend.

Finance Committee met on February 20, 2007 at 8:00 a.m. Director Clark stated that there was a discussion with Mr. Barnhart about how we can have more assurances that the finances at Tri-Dam are being done with the best principles of accounting.

President Steve Webb appointed the Finance Committee members to act as an ad hoc Tri-Dam Committee and attend the Tri-Dam Committee Meeting after the March 13, 2007 regular Tri-Dam Meeting at 1:30 p.m.

C. **DIRECTORS' COMMENTS/SUGGESTIONS**

Director Alpers

Director Alpers stated that everyone should read page 47 of the Special District Publication where it discusses the difference between abstaining and recusing yourself on issues and the importance of stating up front before a vote or discussion of an issue. They state that it is a violation of the Brown Act if you don't follow these rules. Director Alpers also stated that he received a publication from Nossaman, Gunther, Know & Elliott LLP which discusses speaking with the General Manager about issues. It states that the State Supreme Court has ruled that it is perfectly legal for the General Manager to speak with each director separately about an issue; however, it is a violation for two or more Directors to sit down with the General Manager and discuss an issue ahead of time, but the General Manager can give the Directors information as long as he does not poll the Directors.

Director Clark

Director Clark requested that each Board member be provided with a copy of this publication so that a Director cannot abstain when there is no reason to abstain. Director Clark further stated that the Board needs to know the consequences of an abstention; whether it is a yeah vote or a nay vote because there are cases whereby a person abstains from something and it automatically becomes the vote of the majority. This needs to be clarified.

Director Bairos

Director Bairos stated that if Delores Cole's private pipeline was filled in by the District that it needs to be addressed. Director Alpers stated that he watched the pipeline being blocked and it was not done on her property. Water Operations Manager, Kevin King, also stated that the District did not go onto her property and plug her private pipeline as she suggested.

Director Taro

Director Taro had no Director's comment.

Director Webb

Director Webb had no Director's comment.

At the hour of 11:45 a.m. a motion was made by Director Clark, seconded by Director Alpers, and unanimously approved to move to Closed Session.

**CLOSED SESSION**  
**ITEM NO. 27**

- A. *Government Code §54957.6 Conference with Labor Negotiator***  
**Agency Negotiator:** General Manager  
***Unrepresented Employees:*** Exempt Management Employees,  
Supervisory Exempt Employees and Confidential Employees

At the hour of 11:55 a.m. a motion was made by Director Clark, seconded by Director Bairos, and unanimously supported to move to open session.

General Manager, Steve Knell, stated that upon a motion by Director Clark and seconded by Director Bairos it was unanimously supported to approve 2006 performance pay levels to the General Manager, the Exempt Management Employees, the Supervisory Exempt Employees, and the Confidential Employees bargaining groups.

This information is available in the Office of the Chief Financial Officer of the Oakdale Irrigation District upon request.

**OTHER ACTION**  
**ITEM NO. 27**

At the hour of 12:00 a.m. a motion was made by Director Bairos and seconded by Director Alpers, and unanimously supported to adjourn to the next **Board of Director's Meeting on Tuesday, March 20, 2007, at 9:00 a.m.** at the Oakdale Irrigation District Office, 1205 East F Street, Oakdale, CA 95361.

The next **Joint Board Meeting for the Tri-Dam Project** has been scheduled for **Tuesday, March 13, 2007, at 1:30 pm.** in the Board Room of the South San Joaquin Irrigation District, 11011 East Highway 120 Street, Manteca, California.

\_\_\_\_\_  
Steven A. Webb, President

Attest:

\_\_\_\_\_  
Steve Knell, P.E., Secretary