

MINUTES

Oakdale, California
April 19, 2005

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
Jack D. Alpers
Louis Brichetto
Steve Webb
Tony Taro

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

Also Present: Michael Ijams, Esq.

ADDITION OR DELETION OF AGENDA ITEMS

None.

ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE

A motion was made by Director Brichetto, seconded by Director Taro, and unanimously approved to move Item Nos. 13 and 15 out of sequence.

CONSENT ITEMS **ITEMS 3, 4, 5, 6, 7, 8**

ITEM NO. 3 **APPROVE THE BOARD OF DIRECTORS'** **MINUTES OF THE SPECIAL MEETING OF APRIL 12, 2005**

A motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to approve the Minutes of the Special Meeting of April 12, 2005.

ITEM NO. 4 **APPROVE THE STATEMENT OF OBLIGATIONS**

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

ITEM NO. 5
APPROVE IMPROVEMENT DISTRICT STATEMENT OF OBLIGATIONS

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

ITEM NO. 6
APPROVE THE TREASURER AND CHIEF FINANCIAL OFFICER'S REPORT FOR THE MONTH ENDING MARCH 31, 2005

A motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to approve the Treasurer and Chief Financial Officer's Report for the Month Ending March 31, 2005.

ITEM NO. 7
APPROVE THE GENERAL SERVICES CONTRACTS FOR VARIOUS VENDORS AND CONTRACTORS

A motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to approve the General Services Contracts for Various Vendors and Contractors.

ITEM NO. 8
APPROVE ENCROACHMENT AGREEMENT ON THE LAMBUTH DRAIN AND STENDER DRAIN (APN: 002-016-009 – PHAM HO)

A motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to approve the Encroachment Agreement on the Lambuth Drain and Stender Drain (APN: 002-016-009 – Pham Ho).

A motion was made Director Taro, seconded by Director Brichetto, and unanimously supported to remove Item No. 2 from the Consent Calendar.

PUBLIC HEARING
ITEM NO. 1

Public hearing to hear comments on the California Environmental Quality Act (CEQA) Negative Declaration for the Vergurg, Golden West Nuts, Inc., and Haydn-Myer Annexation Project and Certify the Project *De Minimis* for the Department of Fish and Game

President Clark opened the public hearing for comments. There being no one present to address the public hearing, a motion was made by Director Webb, seconded by Director Brichetto, and unanimously supported to close the public hearing.

ACTION ITEMS

ITEM NO. 13

REVIEW AND TAKE POSSIBLE ACTION TO ADOPT A RESOLUTION ACCEPTING A NEGATIVE DECLARATION FOR THE VERBURG, GOLDEN WEST NUTS, INC., AND HAYDN-MYER ANNEXATION PROJECT AND CERTIFY THE PROJECT DE MINIMIS FOR THE DEPARTMENT OF FISH AND GAME

Based on the information in the Initial Study, staff has determined that the project would not have a significant impact on the environment. Therefore, the Oakdale Irrigation District is proposing adoption of a Negative Declaration for the Verburg, Golden West Nuts, Inc. and Hadyn-Myer Annexation Project. The proposed Negative Declaration was sent to the State Clearinghouse and Stanislaus County for review under the California Environmental Quality Act. The circulation for the State Clearinghouse ended on April 11, 2005. Comments can also be taken today during the public hearing at the Regular Meeting of the Board of Director's. Based on the comments received to-date and at the Board of Directors meeting, staff recommends approval of the project and authorizing the General Manager to sign the Negative Declaration, the Certification of *De Minimis* finding and the Notice of Determination.

A motion was made by Director Webb, seconded by Director Brichetto, and unanimously supported to Adopt a Resolution Accepting a Negative Declaration for the Verburg, Golden West Nuts, Inc., and Haydn-Myer Annexation Project and Certify the Project *De Minimis* for the Department of Fish and Game.

DISCUSSION

ITEM NO. 15

DISCUSSION ON OID'S SUBDIVISION AND PARCEL MAP POLICY

Director Taro requested that the OID Subdivision and Parcel Map Policy be put on the agenda for discussion. He has received numerous comments from individuals wishing to subdivide their lands and wanted to afford them the opportunity to address their concerns to the Board.

Director Taro opened the discussion and invited public comment on the policy.

Several members of the public expressed their concerns with the policy. Some of the members of the public who spoke were Steve John, Joe Dutra, Richard Green, Dennis Edge, Lorrie Silva, Steve Cahoon, Ken Krause, Frank Dutra, Al Caton, Henry Burtschi, and Grover Francis.

The main concerns expressed by the public dealt with fencing, drainage, and irrigating to parcels less than 10 acres.

After discussion it was decided that a meeting would be set-up to discuss this policy. A sheet was circulated and those interested in attending a meeting were asked to sign their name and contact information. When the meeting has been scheduled these individuals will be notified of the meeting date, time, and location.

A motion was made by Director Webb, seconded by Director Brichetto, and unanimously supported to take Action Item Nos. 10 and 12 out of sequence on the Agenda.

ACTION ITEMS
ITEMS 2, 10, 12, 9, 11, 12, 14

ITEM NO. 2
APPROVE THE BOARD OF DIRECTORS'
MINUTES OF THE REGULAR MEETING OF APRIL 5, 2005

Director Taro requested that his Director's Comments be modified to state that the thistles are along the Fairbanks Lateral and delete the words "on the laterals around his ranch."

A motion was made by Director Brichetto, seconded by Director Alpers, and unanimously supported to approve the Minutes of the Regular meeting of April 5, 2005, once the above modification has been made.

ITEM NO. 10
REVIEW AND TAKE POSSIBLE ACTION ON THE
REQUEST OF HELEN HULSEY TO WAIVE DISCONNECT FEE OF \$50.00

Mrs. Hulsey made a request for the OID to waive its disconnection fee of \$50 for the discontinuation of water to her property. She does not use OID water and she has no valves to disconnect (per her statements). Staff has no authority to waive fees, hence she will petition the Board.

Ms. Hulsey was present at the hearing.

A motion was made by Director Webb, seconded by Director Taro, and unanimously supported to waive the disconnect fee of \$50.00 pursuant to the request of Helen Hulsey.

ITEM NO. 12
REVIEW AND TAKE POSSIBLE ACTION ON
REJECTION OF SILVIO ROSSINI'S FLOODING CLAIM

A claim was filed by Silvio Rossini on April 12, 2005, for damage allegedly caused by the Oakdale Irrigation District's storm drain on Oak Street on April 7, 2005.

Mr. Rossini was present at the hearing.

A motion was made by Director Brichetto, seconded by Director Alpers, and unanimously supported to Reject the Claim of Silvio Rossini and to forward the claim to the insurance carrier for handling.

At 10:25 a.m. the Board of Directors welcomed participation by the public in the meeting.

PUBLIC COMMENT
ITEM NO. 21

Mr. Ken Krause wanted to know when the Clavey would be open.

Mr. Burtschi commented on trying to resolve issues without forwarding them to the insurance carrier.

At 10:27 a.m. public comment was closed and the Board Meeting continued.

ITEM NO. 9
REVIEW AND TAKE POSSIBLE ACTION TO
APPROVE THE RESOLUTION ADOPTING THE RETURN TO WORK POLICY

Staff has developed a Return to Work Policy based off a model provided by ACWA/JPIA. Our JPIA promotes the adoption of a RTW Policy as a proven mechanism to lower Worker's Comp and Injury Claims. This Policy has had the requisite meet and confer meetings and subsequent approval by the Operating Engineers Local No. 3 as well.

A motion was made Director Alpers, seconded by Director Webb, and unanimously supported to approve the Resolution Adopting the Return to Work Policy.

ITEM NO. 11
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE ISSUANCE
OF A "WILL SERVE LETTER" FOR THE PROPOSED SCHWARTZ SUBDIVISION

Mr. Dan Schwartz is requesting a "Will Serve Letter" from OID to supply domestic water from OID's Rural Water System to 6 proposed lots that will be de-annexed from within the boundaries of Improvement District No. 46 water system.

Mr. Schwartz was present at the hearing.

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported to approve the Issuance of a "Will Serve Letter" for the Proposed Schwartz Subdivision.

ITEM NO. 14
REVIEW AND TAKE POSSIBLE ACTION TO AWARD BID ON WEED OIL
TANK CLEAN-UP TO CLEAN HARBOR ENVIRONMENTAL SERVICES, INC.

In mid 2003, it was determined that the storage tanks along the back fence which previously contained Weed Oil were no longer needed nor usable due to changes in the law for spraying. In August 2003, a scope of work was developed to clean and remove the two storage tanks located in the yard. Initially, bids were received but no one organization could perform all the services to clean, demolish and dispose of the material which also

involved lead paint removal, asbestos removal and the tank work. The original scope of work was released and the work began in January 2004. The original cost was to be \$18,500 for the cleaning, demolishing and disposal of the two tanks. One tank was cleaned and the sludge and rinse was collected in drums and sealed. The second tank was in the process of rinsing and cleaning when a harden sludge was found on the bottom of the tank. A change order was issued to try to dissolve and vacuum this sludge and residue out of the tank. This attempt failed and another plan was developed which included cutting a door sheet in the tank and then manually break and remove the sludge. The contractor would only do this on a T&M basis. The estimated cost was would have doubled the original cost. When this was presented to the Board the instruction was to re-bid the remaining work. Tests had to be conducted on the material to determine the necessary removal and disposal procedure. This procedure was given to all bidders and new bids were received.

A motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to Award Bid on Weed Oil Tank Clean-Up to Clean Harbor Environmental Services, Inc.

DISCUSSION ITEMS
ITEM NOS. 16, 17, 18

ITEM NO. 16
DISCUSSION ON BUSINESS ITEMS AS THEY APPEAR ON THE
TRI-DAM BOARD AGENDAS FOR THURSDAY, APRIL 21, 2005

General Manager Steve Knell stated that there would be a tour of Lake Tulloch following the Tri-Dam meetings on Thursday.

ITEM NO. 17
DISCUSSION ON THE 2004 AUDIT

Last week staff received a phone call from the Moss, Levy & Hartzheim's corporate office located in Beverly Hills. Mr. Bob Moss, the Senior Partner, notified the District that they had shut down their Sacramento office due to internal problems. It is anticipated that a draft will be ready for OID staff review by May 1, 2005.

ITEM NO. 18
DISCUSSION AND PRESENTATION OF THE CEQA PROCESS BY CH2M HILL

Mark Oliver, Greg Eldridge and Ted Way of CH2M Hill gave a presentation of the CEQA Process for the Water Resources Plan.

At 11:25 a.m., a motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to move to closed session.

**CLOSED SESSION
ITEM NO. 19**

- A. Conference with Legal Counsel – Existing Litigation Pursuant to *California Government Code §54956.9*
1. Cantal
 2. Goad
 3. Cahoon
 4. DeClan Reen
 5. Johnson-Western
- B. Conference with Legal Counsel – Anticipated Litigation Pursuant to *California Government Code §54956.9 – (2) Cases*
- C. Public Employee Discipline/Dismissal/Release
California Government Code §54957

At 12:50 p.m. a motion was made by Director Alpers, seconded by Director Webb, and unanimously supported to adjourn back to the regular meeting.

It was reported by Director Clark that no action was taken in the closed session.

**COMMUNICATIONS
ITEM NO. 20**

A. **GENERAL MANAGER'S REPORT**

Irrigation Off-Season Activities

1. Rotation No. 2 will begin on Saturday, April 16, 2005. Keep in mind that Rotation No. 1 occurred in October of 2004.
2. Ongoing reviews of applications for Out of District Service Agreements.
3. Ongoing training for the new DSO and for other DSOs that will be operating new divisions this irrigation season.

Safety Activities

1. OID has gone 340 days without a lost time injury accident.
2. April is Hazardous Communications Safety Month.
3. John Half (ACWA/JPIA) provided OID with a very fine letter commending our organization on its accomplishments.
4. We have been dealing with some meth lab dumps on our canals and drains.

Administration Activities

1. GM attended the Stanislaus County Farm Bureau's Annual Meeting at the SOS Club on Thursday evening, April 14th. Interesting questions by locals regarding water transfers to MWD that are in the works and deeply indenturing farmland to pay for a "Cadillac" water district. They seemed comfortable with my responses and look forward to the completion of the Water Resources Plan.
2. American Chevrolet in Modesto has rescinded their bid for the Chevy Blazer as approved by the Board at the last Board Meeting. The next lowest bidder was Steve's Chevrolet in Oakdale. OID will notify them of their acceptance to provide this vehicle.

3. Annual Reports for the Aquatic Pesticide Application Plan and Ag. Waiver Monitoring Program have been submitted.
4. Staff will be attending a meeting with the Central Valley Regional Water Quality Control Board Staff to review a draft of an Irrigation District specific Monitoring and Reporting Program Plan for the Ag. Waiver Program. The Regional Board was not satisfied with the level of monitoring required of irrigation districts as outlined in their program requirements for individual dischargers.
5. Mr. King hosted a group of students from MJC for a Field Tour. The students are enrolled in an Irrigation and Drainage course offered at MJC.

Accounting Activities

- a. ACWA/JPIA Worker's Comp rates have been lowered 13% to all pool participants. This will result in a \$12,000 savings per quarter in the first two quarters of this year.
6. Coordinating review of the 2004-2005 Scholarship applications.
7. Review of accounting standard operating procedures.
8. Preparation of paperwork for ID 39 (city users) dissolution.

C&M Operations Activities

1. Contract Close Out for the Construction Contracts
2. Completing the Moulton Pipeline Replacement
3. Finish Punch List items on the Campbell Lateral Rehab
4. Installing Motor Operator for the Rodden Dam Gate
5. Final grading on the Fairbanks P/L Project
6. Replacing Gates until the delivery of water on various facilities
7. Developing a repair procedure for the Clavey Booster Pump Pressure Boxes

Engineering Activities

1. Clavey Booster Pump Station investigation and resolution
2. Engineering Technician job posting closed April 15, 2005 and we will be reviewing applicants ASAP
3. Claribel Lateral Close-out
4. Suspense Forms
5. Preparing report documenting town water disconnect process
6. Assisting C&M in numerous daily activities

Water Utility Activities

1. Completed bi-annual exercising of domestic water system street valves.
2. Started weekly routine servicing of irrigation pumps. All Pumps with the exception of the Clavey Booster Pumps are fully operational and ready for DSO use.
3. Starting to prepare annual Consumer Confidence Reports for the 9 domestic water systems. State & Federal law requires these reports to be mailed out to OID's domestic water customers by July 1st of each year.
4. Public posting for the Water Utilities Technician position has started.
5. The first edition of the OID's Domestic Water Newsletter is ready for mailing to our domestic water customers.
6. C&M has finished installing the sump at the new Root Reclamation Pump location. WUD staff will now take over and complete the installation of the pumping station. A meeting with PG&E has been scheduled to determine when electrical power will be made available at the site.

B. **COMMITTEE REPORTS**

None.

C. **DIRECTORS' COMMENTS/SUGGESTIONS**

Director Alpers

Director Alpers thanked Kathy Cook for doing a great job in preparing the Memo to all employees regarding the dollar value of their insurance.

Director Alpers commented on the fact that Stockton East is trying to buy some property and if it is an attempt to buy water rights we need to look in to it. He asked Director Taro to pay close attention at the meeting tomorrow to see how hard Stockton East is trying to apportion Melones water.

Director Webb

Director Webb commended staff and the General Manager on the way that water was brought in this year. He stated that it is going to help our water usage and help the farmers with their crops.

Director Clark

No comments.

Director Brichetto

Director Brichetto stated the District needs to be more ag friendly and farmer friendly and needs to have a "how can I help you" attitude.

Director Taro

No comments.

OTHER ACTION
ITEM NO. 21

At the hour of 1:05 p.m. a motion was made by Director Webb, and seconded by Director Alpers, and unanimously supported to adjourn to the next **regular Board of Director's Meeting** to be held on **Tuesday, May 3, 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, April 21, 2005 at 9:00 A.M.** in the board room of the Oakdale Irrigation District, 1205 East F Street, Oakdale, CA.

Frank Clark, President

Attest:

Steve Knell, P.E., Secretary