

# MINUTES

Oakdale, California  
February 18, 2003

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 D. Alpers, President  
Louis Brichetto, Vice President  
Frank Clark  
Tony Taro  
Steve Webb

Staff Present: Steve Knell, General Manager/Secretary  
Bob Nielsen, Supervisor of Field Operations  
Kathy Cook, Chief Financial Officer/Treasurer

## PUBLIC COMMENT

There were no public comments.

## 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 items out of sequence

## **COMMUNICATIONS** **ITEM NO. 1** **A. GENERAL MANAGER'S REPORT**

### Staffing

1. An employee, Craig Smith, has been called back to active duty and will be reporting for military duty Saturday.

### **Resource Issues**

1. Stanislaus River Fish Issues
2. Resource Planning Issues
3. Water Quality Issues

### **Current and Pending Resource Contracts**

1. Hazard Assessment of North and South Main Canals
2. Strategic Plan
3. Water Measurement Plan – Grant Davids to be here on March 11.
4. Ag Water Management Plan (by August 2003)
5. CALTRANS Highway 120 Bypass
6. Water Resource Plan

### **Current Internal Issues**

1. Reorganization Plan
2. Labor Negotiations
3. Budget Activities Based
4. Maintenance Management Program
5. Cost Tracking Procedures
6. Internal Processes and Procedures
7. Safety Program
8. Staff Training
9. Community Activities

### **Projects on the Table**

#### **Current High Priority Projects consuming staff time**

1. Hershey's Contract
2. Keeley Pipeline
3. Hirschfeld Lateral Project
4. Richard Lutz
5. MID Drainage Agreement Review
6. Annexation Actions

### **Walk-In Jobs/Issues On the Table**

1. Mootz Lateral-Duane Roots (Follow-up)
2. North Main Canal – Steve Fields
3. Fairbanks/Hirschfeld Lateral – Joe DeSilva Proposal
4. Stoddard Lateral – Jerry Nation
5. Bricchetto – Canal/Keeley Pipeline – Bobby Goad
6. Langum Borrow Site Project
7. Mootz Drain – Dennis Edge

### **OID Past Promises(?) and or Board Actions Never Completed**

1. Additional items being researched and to be added to this list.
  - a. Lower Cometa-Steve Kessler
  - b. Taro Lateral-Carol Kenyon
  - c. Frobose Ditch-Bob Frobose

- d. Root Drain Pump and Pond
- e. Adams Creek Drain Pump
- f. Gully Drain

### **Claims**

1. Quad theft status.
2. James Russ - Agenda Item

### **Legal Activities**

1. None to Report – Michael Ijams, Esquire to be here on March 4, 2003

## **B. DIRECTORS' COMMENTS/SUGGESTIONS**

### **Director Brichetto:**

- Director Brichetto questioned whether OID was having anyone look at critical reclamation areas. General Manager Steve Knell stated that district planning efforts back to the Minasian letters in 1982 state that the first thing that we should do is to set up water measuring stations to collect data. Director Brichetto stated that they did do that to some extent, but nothing was done with the information.

### **Director Taro:**

- Director Taro commented that we all need to be more water conscious until we get more snow/rain as it relates to drought conditions.

### **Director Webb:**

- Director Webb stated that the City of Stockton is looking to privatize water treatment and water delivery service and that we should keep an eye on this as this is something that could affect OID. In essence they are looking at a private company running their water waste systems plant and delivering their water for them. Their waste water plant is already causing us problems so we need to watch this.

Director Clark requested that Item No. 2 be moved to the action calendar. Director Brichetto requested that Item No. 3 be moved to the action calendar.

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

### **ITEM NO. 4** **APPROVE THE OAKDALE IRRIGATION IMPROVEMENT DISTRICT'S** **STATEMENT OF OBLIGATIONS**

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

**ITEM NO. 5**  
**APPROVE A RESOLUTION ADOPTING THE**  
**REVISED OID INJURY & ILLNESS PROTECTION PLAN**

The Board of Directors, at their December 17, 2002 meeting, voted to approve and begin implementation of the new Injury and Illness Prevention Plan. A resolution was included for Board ratification in reference to the aforementioned motion.

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve the Resolution Adopting the Revised OID Injury & Illness Protection Plan.

**ITEM NO. 2**  
**APPROVE THE BOARD OF DIRECTORS' MINUTES OF**  
**THE REGULAR MEETING OF FEBRUARY 4, 2003**

Director Clark requested that the following changes be made to the Minutes:

- Under Public Comment: old lines upstream should be changed to old mines upstream.
- Director Clark asked Mr. Burtschi ..... better irrigation practices, that this continuance...., that this be changed to state "better irrigation practices, and that discontinuance of selling water after ...."

A motion was made by Director Clark to amend the Minutes as stated above, seconded by Director Taro and unanimously supported to approve the Board of Directors' Minutes of the regular meeting of February 4, 2003.

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

Director Brichetto questioned the amount charged by O'Laughlin & Paris for attorney's fees and stated that we should request a refund relating to fees to one attorney reviewing the work of another. Mr. Laurens Foard commented that the bill from O'Laughlin & Paris included charges relative to annexation. He questioned why we were spending money before any decision has been made as to annexation. Director Alpers stated research must be completed before any decision should be made and that attorneys are being used to determine the proper steps and other legal issues.

A motion was made by Director Clark, seconded by Director Webb to approve the Oakdale Irrigation District's Statement of Obligations and was voted as follows:

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

**ITEM NO. 6**  
**REVIEW AND TAKE POSSIBLE ACTION TO**  
**APPROVE JOE DESILVA'S PROPOSAL FOR**  
**IMPROVEMENTS ON THE FAIRBANKS LATERAL**

The 2003 Budget identifies and provides funding for 5 miles of lateral reclamation projects. Each project is 1 mile in length and identifies reaches of improvements that would benefit OID in its water delivery operations and maintenance activities. Mr. DeSilva proposed and intends to do some improvements on a 1-mile section of the Fairbanks Lateral and Angel Drain to enhance his farming/dairy operations. Many of the improvements would benefit OID and because of that Mr. DeSilva approached OID relative to their interest in participating in the improvements.

The proposed improvements are within the guidelines of the budgeted lateral reclamation projects. Staff recommended that OID participate in these improvements. An itemized list was provided to the Board detailing the costs associated with the improvement costs. The list was developed with input from Mr. DeSilva. The fiscal impact for OID on this project is approximately \$41,965 and the costs to Mr. DeSilva are approximately \$89,025. OID'S Capital Replacement Budget has \$442,500 for this type of proposed activity.

General Manager Steve Knell presented a detailed map and overview of the proposal for improvements and the costs associated thereto.

After discussion a motion was made by Director Brichetto, seconded by Director Webb and unanimously supported to approve Joe DeSilva's proposal for improvements on the Fairbanks Lateral.

**ITEM NO. 7**  
**REVIEW AND TAKE POSSIBLE ACTION TO**  
**APPROVE THE RESOLUTION ACCEPTING AN**  
**EASEMENT FOR THE KEELEY PIPELINE**

The District requested a new easement for the Keeley Pipeline from the landowners as part of the Keeley Pipeline Project. The landowners have signed the easement and the agreement to grant the District a new easement and abandon a private pipeline with the District easement. Staff recommended approving the resolution accepting the easement for the Keeley Pipeline.

A motion was made by Director Brichetto, seconded by Director Webb and unanimously supported to approve the Resolution Accepting an Easement for the Keeley Pipeline.

**ITEM NO. 8**  
**REVIEW AND TAKE POSSIBLE ACTION TO**  
**APPROVE A RESOLUTION AUTHORIZING A**  
**QUITCLAIM FOR AN EASEMENT FOR THE KEELEY PIPELINE**

The District requested a new easement for the Keeley Pipeline from the landowners as part of the Keeley Pipeline Project. The landowners have signed the new easement and the District agreed to quit claim the old easement. Staff recommended approving the resolution authorizing the quitclaim for the easement for the Keeley Pipeline from Clayton T. Coleman and Betty C. Clark.

A motion was made by Director Brichetto, seconded by Director Webb and unanimously supported to approve a Resolution Authorizing a Quitclaim for an Easement for the Keeley Pipeline.

**ITEM NO. 9**  
**REVIEW AND TAKE POSSIBLE ACTION TO**  
**APPROVE THE KEELEY PIPELINE REPLACEMENT PROJECT**

The replacement of the Keeley Pipeline is a budgeted item, account #15171 in the 2003 Budget. The engineering firm of Giuliani and Kull prepared the drawings and bid specifications for the Keeley Pipeline Replacement Project. Bids were solicited from five (5) contractors.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to approve the Keeley Pipeline Replacement Project.

**ITEM NO. 10**  
**REVIEW AND TAKE POSSIBLE ACTION TO**  
**DENY THE CLAIM FOR DAMAGES OF JAMES RUSS**

On October 6, 2002, Stearns Road near Oakdale Country Club was flooded. Mr. James Russ submitted a claim for damages for 23 beehives to the District on January 28, 2003. Mr. Russ alleged that the beehives were flooded up the "brood" chambers killing all the young bees in the hives. OID Incident Report, Logs and a Claim Form filed by Mr. Russ were included for the Board. A memorandum submitted by Water Master Mike Evans detailed the alleged incident.

A motion was made by Director Webb, seconded by Director Taro and unanimously supported to deny the claim for damages of James Russ and forward said claim onto ACWA/JPIA.

**ITEM NO. 11**  
**REVIEW AND TAKE POSSIBLE ACTION TO**  
**APPROVE PARTICIPATION ON A BIO-ASSESSMENT STUDY**  
**ON THE STANISLAUS RIVER**

Contaminant identification on the San Joaquin River has not been based on a sufficient data pool upon which to make supportable scientific decisions. However, this never seemed to deter regulating agencies from doing so. The SJRGA investigated at the end of the last year, the idea of independently contracting our further detailed sampling on the San Joaquin River and its tributaries to provide more scientific data. A letter was attached summarizing some of the decision points that were before the water districts on January 16, 2003.

When the SJRGA met at its regular meeting on February 5, 2003 the outcome of a vote on how to proceed was 3-2 to wait. Only Modesto Irrigation District and Oakdale Irrigation District voted to move forward. Allen Short, General Manager for Modesto Irrigation District, reported to General Manager Steve Knell that sampling could be done to benefit the knowledge base on the Tuolumne and the Stanislaus River for about \$30,000 per district.

Oakdale Irrigation District attorney Tim O'Laughlin, Esquire stated that all issues surrounding the Stanislaus River are currently based on the bio-assessment of two fish, and they were stripped bass, a migratory fish. A problem for Oakdale Irrigation District is that South San Joaquin Irrigation District, which voted to wait, would benefit from any work Oakdale Irrigation District did on the Stanislaus River without contributing money to that benefit. The question posed to the Board is whether or not Oakdale Irrigation District should proceed further.

Director Alpers stated that South San Joaquin Irrigation District does not want to participate in this study so if we participate we will be obligating ourselves for the entire cost of \$30,000. Director Clark stated that there are five (5) agencies in the San Joaquin River Group that were asked to fund the bio-assessment study for the Stanislaus River which costs \$60,000 to complete. Three (3) of the members of the Group voted no and to put this off until next year. Two (2) of the members of the group, Oakdale Irrigation District and Modesto Irrigation District voted yes to go ahead with the study this year. If OID proceeds at this time and pays the \$30,000, each of the other agencies will enjoy the benefits of what we paid for without having to participate financially. If OID waits one year we would pay \$12,500 instead of \$30,000 as in all probability the other agencies would participate at that time. General Manager Steve Knell stated that Merced Irrigation District has also now decided to go ahead with this study this year.

General Manager Steve Knell stated that all the contaminant issues on the River are based on the sampling of two (2) fish that were taken from the Stanislaus River. The decisions on TMDL's, on the need for Ag to do a better job of managing its pesticides and nutrients, etc; all those decisions are being made on the analysis of two (2) fish. What irrigation districts need to do is build a data base upon which to make decisions. Steve Knell stated that the Board of Directors had expressed an interest due to the fact that these decisions are being made based on very limited information. The resource agencies are not going to do more sampling, and in 4 or 5 years there will be decisions made on the Stanislaus River, the San Joaquin River, the Tuolumne and the Merced River on contaminant levels. If the gathering of a good pool of information upon which to make decisions is not done, those decisions will be made for us based on the sampling of 2 fish. Steve Knell expressed his fear that the longer we wait, the less opportunity there will be to build our case. Director Webb agreed that we should do this, but waiting until after the SJRGA Commission meeting in two weeks would be very prudent. It was the consensus of the Board that this item be tabled until after the next SJRGA meeting which has been scheduled for February 27, 2003.

**DISCUSSION ITEM**  
**ITEM NO. 12**  
**DISCUSSION OF THE DUTIES OF**  
**WATER COUNSEL AND GENERAL COUNSEL**

The General Manager felt that on an annual basis the Board should review the duties of both General and Water Counsel to determine if any changes in assignments need to be made. An outline of duties was provided detailing the current assignments of both attorneys. Director Clark stated that he had asked the General Manager to put this on the Agenda stating that it is the responsibility of the Manager and the Board to control legal costs. Legal costs in 1999 for Mr. O'Laughlin who was then our General Counsel and Water Counsel were \$230,000. In 2000 they were \$187,000, 2001 \$106,000 and 2002 they were \$46,000 and our total bill last year was \$72,000. We have cut our legal costs from \$230,000 to \$72,000 in the last 4 years.

Director Clark stated that the important thing that the Board and the Manager have to remember is that we have to know how we assign this work. Before the attorneys take on new projects they need to discuss with the General Manager those assignments and the General Manager will bring this before the Board. Director Clark stated that he felt it was the responsibility of the General Manager and the Finance Committee to go over the work assignments of each attorney and make sure that what they are doing is the intention of the General Manager and the Board.

Director Alpers suggested that if an attorney was involved in any closed session that we hold the closed session at the beginning of the meeting rather than the end, thereby allowing the attorney to leave rather than sit through an entire meeting. Director Alpers also suggested that when the attorney is on the Agenda for a normal reporting of activities that his report be heard before that of the General Manager, again allowing his exit after his contribution to the meeting.

General Manager Steve Knell asked the Board if they agreed with the duties as outlined. Director Clark questioned why the Water Counsel was involved in relicensing as this should go through Tri-Dam.

Director Webb stated that we should keep in mind that South San Joaquin Irrigation District's in-house attorney reviews for Tri-Dam and so does Mr. O'Laughlin. You also have to keep in mind that sometimes it is good to have one of your attorneys review things because South San Joaquin's attorney works for them, they don't work for OID.

Director Brichetto stated that he agreed with Director Clark on the electrical end of it. South San Joaquin is on the same path that we are. For operational purposes up at Tri-Dam and everything else it makes good sense. As long as we are on the same path then we should do this through Tri-Dam and let Mr. Felte pick up the fees and work through him.

Director Clark stated that if OID is going to get into power issues then perhaps it is better to hire another attorney with specific expertise in those areas.

Mr. Ken Krause stated that he agreed with Director Webb in that our attorneys work for OID. If the attorneys read the Agenda and make comments they are looking out for the best interests of the District. Mr. Krause stated that he did not see why there is a problem with the attorneys reading something as that is what they were hired to do and that they are doing what they need to do to protect the interests of the District. If OID relies on anyone from another entity they are not going to be concerned with the best interest of OID, but whomever is paying them.

Director Webb stated that he disagreed with Mr. Clark regarding his statement relative to Mr. O'Laughlin and Tri-Dam. He stated that you would have to run far to find anybody that knows anymore about Tri-Dam and our water rights than Mr. O'Laughlin. He has been here a long time and he knows everything about the Tri-Dam contracts, and about the Sandbar contracts. Mr. O'Laughlin re-wrote the Sandbar contract a few years ago to give us a capacity payment so that we would always have a solid payment. Mr. O'Laughlin does know a lot about electricity, he knows a lot about the project and stated that he was personally glad that Mr. O'Laughlin is able to work when Mr. Felte wants him to work.

**ITEM NO. 13**  
**DISCUSSION OF RESERVOIR STORAGE OPPORTUNITIES**  
**ON THE NORTH AND SOUTH MAIN CANALS**

Director Brichetto requested this item be placed on the Agenda for discussion. Director Brichetto stated that current OID unwritten policy is that we have water sales of 41,000 acre feet. Our efficiency has gone down since 1984 and the PL 984 Project. So, we basically have the attitude of use it all whether we need it all or not. Mr. Brichetto stated that he did not care how we use the surplus water as long as we are not wasting it; whether it be through a water treatment plant or annexation, as long as it stays within the service area. Director Brichetto stated that to his knowledge there had been other discussions with past Boards of Directors and thought there had been some engineering work done. Director

Brichetto stated that he agreed with the General Manager in that we can probably run this District with 225, 000 acre feet if we are somewhat efficient. We are going to have to get in line with the Ag discharge whether we like it or not at some point in time. Mr. Brichetto stated that OID should look at the old engineering plans for the North side off-stream storage facilities.

It was agreed that this should be referred to the Water Committee to look at and report back to the Board at a later date.

**ITEM NO. 14**  
**DISCUSSION OF REQUEST FOR**  
**ANNEXATION LETTER AND QUESTIONNAIRE**

At the January 21, 2003 Board of Directors' meeting the Board unanimously supported a motion that OID send out a letter to all landowners that qualify, asking for their interest in annexation. A proposed letter and accompanying questionnaire were attached and if the Board approves would be mailed to the individual 407 applicable landowners.

General Manager Steve Knell stated that a date for the response deadline was not included.

The Board concurred that the letter content was appropriate and that a time to respond of 30 days should be added before the letter and questionnaire are mailed.

A motion was made by Director Webb, seconded by Director Brichetto at the hour of 11:00 A.M. to adjourn to Closed Session.

**CLOSED SESSION**  
**ITEM NO. 15**

- A. **DISCUSSION OF SALARY AND BENEFITS – California Government Code Section 54957.6.** A presentation was given to the Board by Mr. Bill Smith regarding the latest proposal and response to the Union negotiations.

No action taken.

At the hour of 11:28 A.M. a motion was made by Director Webb, seconded by Director Clark and unanimously supported to adjourn to the next **regular Board of Directors' Meeting** to be held on **Tuesday, March 4, 2003** 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 **March 20, 2003 at 9:00 A.M. in Manteca.**

Attest:

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Steve Knell  
Secretary