

## **MINUTES**

Oakdale, California  
May 21, 2002

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 Alpers  
                         Louis Brichetto  
                         Frank Clark  
                         Tony Taro  
                         Steve Webb

Staff Present:        Steve Knell, General Manager  
                         Kathy Cook, Chief Financial Officer  
                         Mike Evans, Watermaster  
                         Bob Nielsen, Supervisor of Field Operations  
                         Wayne Truhett, Supervisor of Facilities and Right-of-Way

### **PUBLIC COMMENT**

Mr. Larry Foard commented regarding an Agricultural Water Use Efficiency Performance workshop he attended in Modesto. Director Steve Webb responded to his comments.

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

No additions or deletions of agenda items.

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

No action to take various items out of sequence.

### **PRESENTATION**

Director Alpers made presentation of Resolution No. 2002-110 commending Ronald Reinitz in appreciation of continuous service from October 17, 1983 to May 3, 2002.

**ITEM NO. 1**  
**WRITTEN COMMUNICATIONS**

Director Alpers commented regarding the resignation letter received from Mr. Frank Vaccaro. Mr. Vaccaro will be retiring August 9, 2002.

**ITEM NO. 2**  
**COMMITTEE REPORTS**

Personnel Committee findings as reported by Director Clark:

1. Five (5) proposals were submitted to OID from various law firms and each Board member was given a copy of the proposal received;
2. The Personnel Committee and the General Manager reviewed all five (5) proposals;
3. Criteria:
  - ~~☒~~ ~~☒~~ Cost
  - ~~☒~~ ~~☒~~ Stability, Depth and Experience
  - ~~☒~~ ~~☒~~ Expertise in general law
  - ~~☒~~ ~~☒~~ Expertise in labor law
  - ~~☒~~ ~~☒~~ Any possible conflicts of interest
4. The Committee recommends that a special board meeting be coordinated or time set aside at a regular board meeting (one firm in the morning, the other at 1:30 P.M.), approximately 45 minutes each, and have the two law firms with the best proposals come in and make a presentation to the Board. The two firms best qualified to meet OID needs were Curtis & Arata from Modesto and Neumiller and Beardslee from Stockton.

Director Clark asked that the Board not adjourn to closed session to decide on general counsel. A closed session will be scheduled, but the Board will determine after the interviews of the candidates for general counsel if it is necessary or if this will be discussed in open session.

The five (5) firms submitting proposals were:

1. *Warda & Yonano, LLP*: Required \$102,600 per year as a retainer. This would not include any time spent for service beyond the scope of basic services. Litigation or personnel issues would be an additional \$150.00 per hour charge. This is a relatively new law firm – only 4 years old. One of the partners had only been practicing law for 3 years and they have had little involvement in general law or litigation. We felt they were too expensive, had limited depth in staff, and had limited staff with experience in personnel matters.

2. *Griffith & Masuda*: Required \$51,000 retainer for 30 hours per month. Any additional time would be \$155.00 per hour. Ninety percent (90%) of their firm's legal work is devoted to water, environmental and electric utility issues, not as a general counsel. They go by the name of Griffith & Masuda, but in their proposal they don't list Griffith at all. They do mention that they have another law firm that would help them represent us and their assistant general counsel would be the member of this law firm. Basically, we would be dealing with two (2) law firms. They have a new attorney that just graduated in 2000 and joined the firm in 2002. They have one attorney who is part-time and currently on leave of absence. They also represent Turlock Irrigation District, which we felt would be a conflict of interest. It would be very questionable that they would have the staff for personnel matters.
3. *Mussman & Mussman*: They just started their law firm, and although they have a lot of experience they are new to the Modesto area. They wanted \$50,000 per year for 30 hours per month. Anything beyond that would be billed \$140 per hour. They do not have much experience in the area of personnel matters. They are too new and didn't have much depth.
4. *Curtis & Arata*: They want \$170.00 per hour with the District specifying a certain block of time. No charge for travel time to Oakdale. Unfortunately any type of litigation we get into would be an additional cost of \$175.00 per hour. They have a lot of staff (20 attorneys), have been in the County for many years, and have a lot of personnel experience – just a good, well-rounded law firm. They have no conflicts of interest, and represent the Oakdale Unified School District.
5. *Neumiller & Beardslee* in Stockton: They do not charge for travel time to and from board meetings here in Oakdale. They would attend all of our board meetings. They want no retainer and we pay only for the time spent working for OID. The law firm has been in existence for over 100 years and they have total depth in their firm – anything from personnel, water, litigation, etc. They represent a number of clients, cities, counties, etc in this area. They only charge \$130.00 for board meetings and \$195.00 per hour for other work. They charge for actual work only.

A motion was made by Director Clark, seconded by Director Webb to invite the law firms of Curtis & Arata and Neumiller & Beardslee to make presentations before the Board at the June 4, 2002 meeting. Said motion was voted as follows:

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

General Manager Steve Knell is to check the availability of the attorneys to make a presentation at the June 4, 2002 Board meeting.

Mr. Henry Burtschi commented regarding the high quality and professional work that Tim O’Laughlin has performed for the Oakdale Irrigation District. Director Brichetto and Director Alpers responded to his comments.

**ITEM NO. 3**  
**GENERAL MANAGER’S REPORT**

General Manager Steve Knell reported the following:

- ?? Lutz – Staff met with Mr. Lutz and agreed that the first item to proceed with is the road and the fence issue.
- ?? Mr. Roots signed the draft encroachment agreement and that has been forwarded onto Tim O’Laughlin for his finalization.
- ?? Hershey’s Contract – The previous contract had expired years ago and had never been redone. We sent a redraft of that contract to Hershey about two weeks ago and to-date have not received that contract back.
- ?? CalTrans 120 Bypass Maintenance – A letter was sent to CalTrans showing an impact analysis of this new highway upon OID. We projected a one-time payment of \$96,000 to cover our impact costs for the life of the project.

**ITEM NO. 3b**  
**DIRECTORS’ COMMENTS/SUGGESTIONS**

Director Taro and Director Brichetto commented regarding the Lutz lawsuit.

Mr. Henry Burtschi commented regarding the Lutz settlement. Director Alpers and Director Webb responded to his comments. Director Alpers asked that the comments regarding criticism of the Board discontinue.

Director Brichetto commented regarding the winter work schedule would like to see something on water reclamation projects on this schedule. Steve Knell responded to his comments.

Director Clark asked each Director again to submit a list to him by June 1<sup>st</sup> outlining what they thought the goals and objectives of the General Manager should be. These goals and objectives would be included in the General Manager’s evaluation that is due July 1.

Director Clark asked to have included on the Agenda of June 18, the development of a total water service plan for the District and the development of a water portfolio. Director Clark also wants developed an investment strategy and a reclamation plan for our water.

Director Clark commented that he and General Manager Steve Knell attended a meeting yesterday. At that meeting, a member of the San Joaquin County Board of Supervisors spoke, focusing on water. People want our water, and we need a plan to manage our water before we lose it. Director Clark asked to have included on the June 18 Agenda as a Discussion Item, the identification of our water sources, strategy for the use of our water, and the use of a consultant to look at this entire issue.

Director Webb acknowledged and agreed with Director Clark's comments regarding the need to come up with a strategy for the use of our water.

Director Webb asked for a status report on Root drain pump. Wayne Truhett and Bob Nielsen responded to his questions. Director Webb also asked for the status of the Adam's drain pump. Wayne Truhett and Mike Evans responded to his questions.

Director Taro commented regarding the Lutz settlement. Director Alpers responded to his comments.

Director Taro commented regarding the water that is spilling over the drains and the monitoring of those amounts of water. General Manager Steve Knell responded to his comments.

Director Alpers commented regarding the comments being made by the public in attendance at the meetings, and asked that criticism cease, as it is counter-productive. Director Alpers asked Director Brichetto to cease his comments relative to Mr. O'Laughlin as they were totally unfair and not on the Agenda. According to Robert's Rules of Order we should not hear personal agenda items of individual directors.

Director Alpers agreed that Director Clark's ideas of conservation are right on the money. Director Alpers asked that a presentation be prepared relative to conversation in August or September.

Mr. Mausoli commented regarding the drains and monitoring of that water.

Mr. Henry Burtschi commented regarding the monitoring of drain water.

Mr. Frank Coelho commented regarding flooding and drain water, and tail water contamination.

**CONSENT CALENDAR  
ITEM NO. 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 14**

**ITEM NO. 4  
APPROVE THE BOARD OF DIRECTORS' MINUTES OF  
REGULAR MEETING OF MAY 7, 2002**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve the Board of Directors' Minutes of Regular Meeting of May 7, 2002.

**ITEM NO. 5**  
**APPROVE OAKDALE IRRIGATION DISTRICT'S**  
**STATEMENT OF OBLIGATIONS**

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

**ITEM NO. 6**  
**APPROVE OID IMPROVEMENT DISTRICT'S**  
**STATEMENT OF OBLIGATIONS**

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

**ITEM NO. 7**  
**REVIEW AND APPROVE MONTHLY TREASURER'S REPORT**  
**AND INTERNAL FINANCIAL REPORTS FOR THE**  
**MONTH ENDING APRIL 30, 2002**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve the monthly Treasurer's Report and Internal Financial Reports for the month ending April 30, 2002.

**ITEM NO. 8**  
**REVIEW AND CONSIDER REPLACEMENT OF THE FOLLOWING CANAL GATES:**  
**WORK ORDER #0162 - APN #063-025-009, WORK ORDER #0163 -**  
**APN #062-024-026, WORK ORDER #0165 - APN #014-003-007/008**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve replacement of canal gates for Work Order #0162, #0163 and #0165.

**ITEM NO. 9**  
**APPROVE CLOSING CAPITAL PROJECT WORK ORDERS**  
**#0128 - REPLACE 12" GATE, #0154 - SOUTH MAIN CANAL**  
**#0167 - REPLACE 14" GATE, #0205 - REPLACE 24" HEADGATE**  
**#0207 - REPLACE 24" GATE**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve closing capital project work orders #0128, #0154, #0167, #0205 and #0207.

**ITEM NO. 10**  
**APPROVE PROVIDING OUT-OF-DISTRICT WATER**  
**FOR THE 2002 IRRIGATION SEASON**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve 2002 out-of-District Irrigation Water Agreement.

**ITEM NO. 11**  
**APPROVE USE OF DISTRICT PARKING LOT BY**  
**OAKDALE POLICE OFFICER'S ASSOCIATION AND EXPLORER'S**  
**FOR A FIREWORKS BOOTH**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve use of District parking lot by Oakdale Police Officer's Association and Explorer's for a fireworks booth.

**ITEM NO. 12**  
**REVIEW AND CONSIDER PAINTING**  
**THE SIERRA SUNSET PUMPING STATION**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve the painting of The Sierra Sunset Pumping Station.

**ITEM NO. 13**  
**APPROVE EMERGENCY REPAIRS TO**  
**THE LANGWORTH PIPELINE**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve emergency repairs to the Langworth Pipeline.

**ITEM NO. 14**  
**APPROVE EMERGENCY REPAIRS TO**  
**THE KEELEY PIPELINE**

A motion was made by Director Clark, seconded by Director Webb and unanimously supported to approve emergency repairs to the Keeley Pipeline.

**ITEM NO. 15**  
**CONSIDER AND APPROVE RESOLUTION AUTHORIZING**  
**THE GENERAL MANAGER TO CONSTRUCT A FENCE**  
**AT THE SOUTH MAIN REGULATING RESERVOIR**

A motion was made by Director Webb, seconded by Director Brichetto and unanimously supported to approve the Resolution authorizing the General Manager to construct a fence at the South Main Regulating Reservoir. Director Clark also asked that the General Manager have signs made that reflect no trespassing, citing the specific violation of the Penal Code for trespassing. We should also notify the Sheriff of their authority to act on our behalf and cite those individuals in violation.

**ITEM NO. 16**  
**TENNANT PIPELINE**

Discussion was held between members of the public, landowners, the General Manager and the Board. A motion was made by Director Clark, seconded by Director Webb that we designate this as a District facility and obtain a 25' easement from each affected landowner. General Manager Steve Knell is to work with the landowners in order to obtain the requested easements and resolution of this matter. The motion was voted as follows:

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

**ITEM NO. 17**  
**REVIEW AND CONSIDER JANITORIAL**  
**SERVICES PROPOSALS**

A motion was made by Director Clark, seconded by Director Brichetto and unanimously supported to approve awarding a janitorial contract to Environment Control in the amount of \$11,520.00 annually.

**ITEM NO. 18**  
**APPROVE REQUEST FOR SPECIAL CONSIDERATION ON**  
**RECONNECTION TO IRRIGATION SERVICES AND PUMPING**  
**REIMBURSEMENT – PROPERTY LOCATION: 10931 SIERRA ROAD**



Mr. Bauman addressed the Board with his comments regarding his request. General Manager Steve Knell and the Board discussed his comments and advised Mr. Bauman that it would be a violation of the Water Code to refund his fees. After further discussion, no action was taken.

**ITEM NO. 19**  
**REVIEW AND CONSIDER POLICY**  
**REGARDING DIRECTOR'S ABSENCE – COMPENSATION**

After discussion a motion was made by Director Clark, seconded by Director Bricchetto to amend the policy regarding Director's Compensation as follows: Any Director is required to contact the President of the Board or the General Manager at least twenty-four (24) hours in advance of any absence for a regular or special board meeting only, and state the reason for said absence. On the next Agenda this is to be included as a Consent Calendar Item to approve the absence. If any Director fails to follow this procedure, then no compensation would be received for the missed meeting. This motion was voted as follows:

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

**DISCUSSION ITEM**  
**ITEM NO. 20**  
**BOARD MEMBERS REPORT ON**  
**ACWA SPRING CONFERENCE IN MONTEREY**

Director Taro reported:

The Department of Water Resources will be clamping down on agricultural runoff water. This will affect us all. Water Quality requirements require testing the water for what's in it and you can be jailed and fined for what is found in the water even though you may have had no input into that water.

Director Bricchetto reported:

PG&E Meeting: He attended a meeting with Steve Felte, Director Alpers and Director Clark and it was very educational.

Director Clark reported:

☞☞ Professor Robert Sachs completed a legal study to determine whether the State Water Resources Control Board has control over ground water just as they do surface water. Dr. Sachs' primary focus was determination of the legislature's intent when they established the State Water Resources Control Board. Dr. Sachs' study concluded that they had intended the agency control surface water and ground water. The Chairman of the State Water Resource Control Board commented that the State Legislature needs to revisit this and they will determine if the Control Board should control ground water.

☞☞ Coalitions Meeting: The meeting was well done and provided insights into the necessity of building of coalitions as important tools in reaching our goals and objectives at the District.

Director Webb reported:

☞☞ Radial Gate Demonstration: This is a new gate that showed possibilities of something that could be utilized in some of our older systems.

☞☞ PG&E Meeting: Director Webb, Alpers and Clark attended relative to their bankruptcy. Bill Simon was a speaker at the luncheon.

☞☞ GASB seminar: This is an accounting compliance issue that will be relatively easy to accomplish for us due to our small size.

Director Alpers thanked staff for the good job done toward coordination of the Director's attendance at the conference and reported that overall the content of the meetings was very good.

Director Alpers reported:

☞☞ PG&E meeting: In defense of PG&E, the State legislature put PG&E in that position with their de-regulation.

☞☞ The California Budget meeting: The meeting was well done by two heads of the Budget Committee.

☞☞ Coalitions Meeting: The coalition meeting was very good. He commented that we have a coalition now; the San Joaquin Water Group. That group is irrigation districts working together.

**DISCUSSION ITEM  
ITEM NO. 21  
CONTENT AND DISTRIBUTION  
OF OID NEWSLETTER**

General Manager Steve Knell advised that a newsletter would be completed for publication within the next few weeks. Guidance is needed on how the Board wants to achieve distribution of this newsletter.

A motion was made by Director Clark, seconded by Director Alpers and unanimously supported to print the newsletter in the Oakdale Leader. OID Ditchtenders would distribute additional copies of the newsletter to their particular customers.

**DISCUSSION ITEMS  
ITEM NO. 22  
CONSIDER REDESIGN OF OID  
WEB PAGE**

A motion was made by Director Webb, seconded by Director Clark and was voted as follows to approve Bluesun Studios for completion of a redesign of the OID Web Page:

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

**DISCUSSION ITEM  
ITEM NO. 23  
COORDINATION OF FUTURE CONFERENCES AND  
MEETINGS WITH DIRECTORS AND GENERAL MANAGER**

Director Brichetto commented that this was covered previously and the attendees at the Monterey conference coordinated the meetings they attended.

**PRESENTATION  
ITEM NO. 24  
RURAL WATER SUPPLY**

Bob Nielsen presented information regarding the Domestic Water Systems of the Oakdale Irrigation District and covered the following:

- ☞☞ General information
- ☞☞ Governing agencies
- ☞☞ Water quality
- ☞☞ System finances
- ☞☞ OID'S Rural water system

Mr. Nielsen also furnished maps of:

- ☞☞ Rural Water System No. 1
- ☞☞ Rural Water System No. 2
- ☞☞ Improvement District No. 22
- ☞☞ Improvement District No. 41
- ☞☞ Improvement Districts No. 45 and 49
- ☞☞ Improvement District No. 46
- ☞☞ Improvement District No. 51
- ☞☞ Improvement District No. 52

**CLOSED SESSION**

**ITEM NO. 15**

At the hour of 1:20 P.M. the Board convened into Closed Session to discuss the following:

- A. **OID REORGANIZATION PROPOSAL** – Discussion of individual skills, knowledge and abilities of current employees to meet the needs of the proposed reorganization plan.

No Action Taken.

- B. **UNION NEGOTIATIONS** – Consultant Bill Smith presented to the Board a status report on current union negotiations.

A tentative meeting will be scheduled for Tuesday, May 28, 2002 at 6:00 P.M. to discuss a comprehensive package from the union.

At the hour of 2:20 P.M. the Board adjourned to the next **regular Board of Directors meeting** to be held on **Tuesday, June 4, 2002 at 9:00 A.M. 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 **June 20, 2002 at 9:00 A.M. in Oakdale.**

Attest:

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Steve Knell  
Secretary