

MINUTES

Oakdale, California
March 21, 2017

The Board of Directors of the Oakdale Irrigation District invited all to recite the Pledge of Allegiance and then met in Special Session at the hour of 6:00 p.m. Upon roll call, there were present:

Directors: Steve Webb, President
Herman Doornenbal, Vice President
Gary Osmundson
Gail Altieri
Linda Santos

Staff Present: Steve Knell, General Manager/Secretary
Jason Jones, Support Services Manager
Eric Thorburn, Water Operations Manager
Kathy Cook, Chief Financial Officer

Also Present: Fred A. Silva, General Counsel

ADDITION OR DELETION OF AGENDA ITEMS

There were no additions or deletions of agenda items.

ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE

There was no action taken out of sequence.

At the hour of 6:02 p.m. the Board welcomed public comment.

PUBLIC COMMENT ITEM NO. 1

Mary Anne Brennan discussed the portion of the county tax that is paid to the District. She asked several questions and asked that staff provide her with a response.

Robert Frobose asked if he should wait to discuss Closed Session 19.A. prior to the Board moving into Closed Session. Director Webb responded yes.

A member of the public, name unknown, talked about the signs posted around Oakdale and the recall election.

Alice Garcia discussed the recall election.

There being no further public comment, public comment closed at the hour of 6:13 p.m. and the Board Meeting continued.

PRESENTATION / PUBLIC HEARING CALENDAR
ITEM NO. 2

General Manager Steve Knell gave a PowerPoint presentation.

Members of the public, Fran Bryant, Mary Ann Brennan, three members of the public names unknown, Robert Frobose, Brian Lemmons, Kathe Poteet, Evan Longstreth, and Sharon Wade commented on this item.

CONSENT ITEMS
ITEM NOS. 3, 4, 5, 6, 7, 8, 9, 10

ITEM NO. 3
APPROVE THE BOARD OF DIRECTORS' MINUTES OF
THE REGULAR MEETING OF MARCH 7, 2017 AND RESOLUTION
NOS. 2017-34, 2017-35, 2017-36, 2017-37, 2017-38, 2017-39, AND 2017-40

A motion was made by Director Doornenbal, seconded by Director Altieri, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of March 7, 2017 and Resolution Nos. 2017-34, 2017-35, 2017-36, 2017-37, 2017-38, 2017-39, and 2017-40.

ITEM NO. 4
APPROVE OAKDALE IRRIGATION
DISTRICT STATEMENT OF OBLIGATIONS

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

ITEM NO. 5
APPROVE IMPROVEMENT
DISTRICT STATEMENT OF OBLIGATIONS

A motion was made by Director Doornenbal, second by Director Altieri, and unanimously supported to approve the Improvement District's Statement of Obligations.

ITEM NO. 6
APPROVE TREASURER AND CHIEF FINANCIAL OFFICER'S
REPORT FOR THE MONTH ENDING FEBRUARY 28, 2017

A motion was made by Director Doornenbal, seconded by Director Altieri, and unanimously supported to approve the Treasurer and Chief Financial Officer's Report for the month ending February 28, 2017.

ITEM NO. 7
APPROVE ASSIGNMENT OF
CAPITAL WORK ORDER NUMBERS

A motion was made by Director Doornenbal, seconded by Director Altieri, and unanimously supported to approve the assignment of the following Capital Work Order Numbers:

<u>Facility</u>	<u>Project Description</u>	<u>Estimated Cost</u>	<u>Work Order No.</u>
Hirschfeld Lateral	Remove and replace 1-24"x7' Fresno 101C slide gate. (APN: 207-280-13)	\$4,600	2017-009
Claribel Lateral	Remove and replace 1-18"x11.5' Fresno 101C slide gate. (APN: 014-010-006)	4,500	2017-010
Clark Pipeline	Remove and replace 1-20"x12.5' Fresno 101C slide gate. (APN: 207-210-15)	4,700	2017-011
Lower Eaton Lateral	Install 1-5'x7' precast MBI turnout structure with 1-12"x9' Fresno 101C slide gate, 1-12" starter coupler, 1-trash rack, 1-stilling well assembly, and 20' of 12" 100 PSI PIP PVC. (APN: 010-003-003)	18,800	2017-012

ITEM NO. 8
APPROVE BOARD ATTENDANCE AT ACWA SPRING
CONFERENCE MAY 9-12, 2017 IN MONTEREY, CALIFORNIA

A motion was made by Director Doornenbal, seconded by Director Altieri, and unanimously supported to approve the Board attendance at ACWA Spring Conference May 9-12, 2017 in Monterey, California.

ITEM NO. 9
APPROVE AMENDMENT NO. 04 TO WORK RELEASE
NO. 009 TO THE PROFESSIONAL SERVICES AGREEMENT
2009-PSA-003 WITH CONDOR EARTH TECHNOLOGIES, INC. FOR
ADDITIONAL BIDDING FOR THE TWO-MILE BAR TUNNEL PROJECT

A motion was made by Director Doornenbal, seconded by Director Altieri, and unanimously supported to approve Amendment No. 04 to Work Release No. 009 to the Professional Services Agreement 2009-PSA-003 with Condor Earth Technologies for Additional Bidding for the Two-Mile Bar Tunnel Project.

ITEM NO. 10
APPROVE AGRICULTURAL DISCHARGE PERMIT AND ENCROACHMENT
PERMIT ON THE KUHN LATERAL, KUHN PIPELINE, AND TARO DRAIN (APNS: 014-
016-020/021 – THE EGIDIO OLIVEIRA 2008 SEPARATE PROPERTY TRUST)

A motion was made by Director Doornenbal, seconded by Director Altieri, and unanimously supported to approve the Agricultural Discharge Permit and the Encroachment Permit on the Kuhn Lateral, Kuhn Pipeline, and Taro Drain (APNS: 014-016-020/021 – The Egidio Oliveira 2008 Separate Property Trust).

The above Consent Items passed 5-0 by the following vote:

Ayes: Directors Webb, Doornenbal, Osmundson, Santos, Altieri
Noes: None
Absent: None

ACTION CALENDAR
ITEMS NOS. 11, 12, 13, 14, 15, 16

ITEM NO. 11
REVIEW AND TAKE POSSIBLE ACTION TO AUTHORIZE
GENERAL MANAGER TO AWARD THE BID TO THE LOWEST
QUALIFIED BIDDER FOR THE TWO-MILE BAR TUNNEL
PROJECT AND APPROVE ASSOCIATED CHANGE ORDERS

A motion was made by Director Doornenbal and seconded by Director Santos to authorize an award of bid to Drill Tech Drilling & Shoring for a lump sum price of \$14,930,576.00 for the Two-Mile Bar Tunnel Project and authorize General Manager to approve associated change orders, contingent upon a re-evaluation of Drill Tech Drilling & Shoring's specifications and qualifications and was approved 5-0 by the following roll call vote:

Director Doornenbal	Aye
Director Osmundson	Aye
Director Santos	Aye
Director Altieri	Aye
Director Webb	Aye

ITEM NO. 12
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE WORK RELEASE NO.
012 AND CONTRACT AMENDMENT NO. 006 TO PROFESSIONAL SERVICES
AGREEMENT 2009-PSA-003 WITH CONDOR EARTH TECHNOLOGIES, INC. TO
PROVIDE CONSTRUCTION MANAGEMENT AND QUALITY SERVICES FOR
THE OLD SOUTH MAIN CANAL TWO-MILE BAR TUNNEL PROJECT

A motion was made by Director Doornenbal and seconded by Director Osmundson to approve Work Release No. 012 and Contract Amendment No. 006 to Professional Services Agreement 2009-PSA-003 with Condor Earth Technologies, Inc. to provide construction management and quality services for the Old South Main Canal Two-Mile Bar Tunnel Project and authorize General Manager to execute any subsequent Work Release Amendments and was approved 5-0 by the following roll call vote:

Director Doornenbal	Aye
Director Osmundson	Aye
Director Santos	Aye
Director Altieri	Aye
Director Webb	Aye

ITEM NO. 13
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE WORK
RELEASE NO. 005 TO PROFESSIONAL SERVICES AGREEMENT
2011-PSA-003 WITH BUMGARDNER BIOLOGICAL
CONSULTING TO PROVIDE BIOLOGICAL MONITORING FOR
THE OID SOUTH MAIN CANAL TWO-MILE BAR TUNNEL PROJECT

A motion was made by Director Doornenbal and seconded by Director Altieri to approve Work Release No. 005 to Professional Services Agreement 2011-PSA-003 with Bumgardner Biological Consulting to Provide Biological Monitoring for the OID South Main Canal Two-Mile Bar Tunnel Project and authorize General Manager to execute any subsequent Work Release Amendments and was approved 5-0 by the following roll call vote:

Director Doornenbal	Aye
Director Osmundson	Aye
Director Santos	Aye
Director Altieri	Aye
Director Webb	Aye

ITEM NO. 14
REVIEW AND TAKE POSSIBLE ACTION ON A ONE-TIME REALLOCATION
OF REVENUES DERIVED ON AN END OF SEASON WATER SALE IN 2016

A motion was made by Director Doornenbal and seconded by Director Santos to direct that \$1 M of the revenues derived on an end of season water sale in 2016 be reallocated as a rebate in the form of a credit applied to the in-district water delivery accounts based on the gross acres of each parcel and was approved 5-0 by the following roll call vote:

Director Doornenbal	Aye
Director Osmundson	Aye
Director Santos	Aye
Director Altieri	Aye
Director Webb	Aye

ITEM NO. 15
REVIEW AND TAKE POSSIBLE ACTION TO
SET THE 2017 OUT-OF-DISTRICT WATER RATE

A motion was made by Director Doornenbal and seconded by Director Osmundson to set the 2017 out-of-district water rate at \$60.00 per acre foot and was approved 5-0 by the following roll call vote:

Director Doornenbal	Aye
Director Osmundson	Aye
Director Santos	Aye
Director Altieri	Aye
Director Webb	Aye

ITEM NO. 16
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE
A WAIVER TO SECTION 10(b) OF THE TRINITAS ANNEXATION AGREEMENT

Director Webb requested that this matter be referred to the Water Committee and then bring it back to the Board for further review and discussion. General Manager Steve Knell stated that the Water Counsel should make a presentation to the Board.

DISCUSSION
ITEM NO. 17

ITEM NO. 17
DISCUSSION ON THE COMMENTS SUBMITTED ON MARCH 17TH
TO THE STATE WATER BOARD'S SUBSTITUTE ENVIRONMENTAL DOCUMENT

General Manager Steve Knell discussed the comments that were submitted on March 17, 2017 to the State Water Board's Substitute Environmental Documents.

COMMUNICATIONS
ITEM NO. 18

A. GENERAL MANAGERS REPORT

General Manager Steve Knell reported on the recent operations of the District.

B. COMMITTEE REPORTS

There were no committee reports.

C. DIRECTORS' COMMENTS/SUGGESTIONS

Director Altieri

Director Altieri stated that she was encouraged this week that the Minutes were correct; although not complete and that people's comments were accurate. However, on another note she was troubled that it was brought to her attention that the employees were upset and mad at Director Santos due to not receiving their raise immediately. Director Altieri stated that it was Director Doornenbal who stated they should familiarize themselves with the MOU before voting on it.

Director Santos

Director Santos wanted to make a statement to the public prior to going into closed session. She stated that the District's General Counsel Fred Silva advised her that she should recuse herself from an item that is in Closed Session. Director Santos read the letter that she forwarded to General Counsel Fred Silva. Director Santos further stated that because she had not heard from General Counsel she contacted the FPPC with this information. They stated that she can vote on this item and their legal analysis was the opposite of the General Counsel's analysis. They are the enforcing agency and since they told her that there is not

a conflict of interest she is not going to take General Counsel's advice and is going to vote on this item.

Director Osmundson

Director Osmundson thanked everyone for coming out and putting their input. Director Osmundson stated that he wanted to make it clear that his home has been in their plans since we took over that place. He stated that when his home is complete he is moving whether he is in his District or not. Wherever the boundary lines may be they are moving when it is finished.

Director Doornenbal

Director Doornenbal stated that he was not the one who stated that they should take a closer look at the contract as stated by Director Altieri. He stated that it was Director Santos who made that comment.

Director Webb

Director Webb had no comments.

At the hour of 8:44 p.m. the meeting adjourned to Closed Session after receiving public comment on the Closed Session items.

CLOSED SESSION
ITEM NO. 19

A. Government Code §54956.9(4)(d) – Initiation of Litigation

One (1) Case

B. Government Code §54956.9(d)(1) - Existing Litigation

Oakdale Groundwater Alliance, Frobose, Brichetto, et al., v Oakdale Irrigation District

Gregory L. Ellis, et al., v Oakdale Irrigation District

C. Government Code §54956.9(d)(2)(3) – Significant Exposure to Litigation

One (1) Case

At the hour of 9:40 p.m. the meeting returned to open session.

Coming out of Closed Session the following reportable action was made:

19.A. A motion was made by Director Altieri and seconded by Director Osmundson to research and investigate the issue of filing a writ of mandamus, and was voted as follows:

Ayes:	Directors Webb, Osmundson, Santos, Altieri
Noes:	Director Doornenbal
Absent:	None

The motion passed by a vote of 4-1.

19.B. A motion was made by Director Webb and seconded by Director Doornenbal to direct Water Counsel and General Manager to prepare a defense in the Declaratory Relief Action entitled, *Gregory Ellis, et al. v. Oakdale Irrigation District*, inclusive of hiring experts and other litigators as necessary, and was voted as follows:

Ayes:	Directors Webb, Doornenbal, Osmundson
Noes:	Directors Santos, Altieri
Absent:	None

The motion passed by a vote of 3-2.

OTHER ACTION
ITEM NO. 20

At the hour of 9:44 p.m. the Board meeting was adjourned. The next Regular Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, April 4, 2017 at 9:00 a.m.** in the board room at 1205 East F Street, Oakdale, CA.

The next Joint Board Meeting of the **South San Joaquin and Oakdale Irrigation Districts** serving the **Tri-Dam Projects** and **Tri-Dam Authority** and other joint business matters is scheduled for **Thursday, April 20, 2017 at 9:00 a.m.** in the board room of the South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, CA.

Steve Webb, President

Attest:

Steve Knell, P.E., Secretary