

## MINUTES

Oakdale, California  
July 16, 2013

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  
Steve Webb, Vice President  
Al Bairos, Jr.  
Jack D. Alpers  
Herman Doornenbal

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

Also Present: James Oliveira, Esq.

### **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 9:02 a.m. the Board welcomed public comment.

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

There being no Public Comment; Public comment closed at 9:02 a.m.

**CONSENT ITEMS**  
**ITEM NOS. 2, 3, 4, 5, 6, 7, 8**

**ITEM NO. 2**  
**APPROVE THE BOARD OF DIRECTORS' MINUTES OF THE**  
**REGULAR MEETING OF JULY 2, 2013 AND RESOLUTION**  
**NOS. 2013-44, 2013-45, 2013-46, 2013-47, 2013-48, and 2013-49**

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported to approve the Board of Directors' Minutes of the Regular Meeting of July 2, 2013 and Resolution Nos. 2013-44, 2013-45, 2013-46, 2013-47, 2013-48, and 2013-49.

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

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

**ITEM NO. 4**  
**APPROVE IMPROVEMENT**  
**DISTRICT STATEMENT OF OBLIGATIONS**

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

**ITEM NO. 5**  
**APPROVE TREASURER AND CHIEF FINANCIAL**  
**OFFICER'S REPORT FOR THE MONTH ENDING JUNE 30, 2013**

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported to approve the Treasurer and Chief Financial Officer's Report for the month ending June 30, 2013.

**ITEM NO. 6**  
**APPROVE RESOLUTIONS AND CONTRACTS WITH STANISLAUS**  
**AND SAN JOAQUIN COUNTIES FOR PLACEMENT OF**  
**DELINQUENT FIXED CHARGES ON THE 2013/2014 TAX ROLLS**

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported to approve the Resolutions and Contracts with Stanislaus and San Joaquin Counties for Placement of Delinquent Fixed Charges on the 2013/2014 Tax Rolls.

**ITEM NO. 7**  
**APPROVE GENERAL SERVICES AGREEMENT WITH HOLT OF CALIFORNIA**

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported to approve the General Services Agreement with HOLT of California.

**ITEM NO. 8**  
**APPROVE FENCE AGREEMENT ON THE**  
**LOWER COMETA LATERAL (APN: 002-001-055 – BORBA)**

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported to approve the Fence Agreement on the Lower Cometa Lateral (APN: 002-001-055 – Borba).

**ACTION ITEMS**  
**ITEM NO. 9, 10, 11, 12**

**ITEM NO. 9**  
**REVIEW AND TAKE POSSIBLE ACTION TO APPROVE RESOLUTION**  
**OF NECESSITY TO CONDEMN REAL PROPERTY (APN: 002-068-007 – BELL)**

Attached for the Board of Directors approval is a Resolution of Necessity to Condemn Real Property. This resolution is being brought to the Board of Directors for approval consistent with previous direction provided to Staff concerning the Knights Ferry Water Rights Delivery System Project.

The CEQA process for this project has been completed and certified by the Board. In addition, OID has reached settlement with all parties related to this pipeline installation project except for Mr. Bell. After months of discussions with Mr. Bell we are at a position that we must move forward to be able to have this project installed this winter work season.

Staff recommended approval of the Resolution of Necessity to condemn this property.

Mr. Bell was present at the Board Meeting and stated that he would like to receive irrigation water rather any compensation for an easement.

Director Bairos recused himself from voting on this agenda item.

A motion was made by Director Alpers, and seconded by Director Doornenbal, and unanimously supported to approve the Resolution of Necessity to Condemn Real Property (APN: 002-068-007 – Bell).

**ITEM NO. 10**  
**REVIEW AND TAKE POSSIBLE ACTION ON AWARD**  
**OF BID TO DON PEDRO PUMP AS THE LOWEST QUALIFIED**  
**RESPONSIVE BIDDER FOR THE WYATT DEEP WELL**  
**PUMP AND MOTOR REPLACEMENT PROJECT**

During routine maintenance of the Wyatt Deep Well Pump and Motor, it was found not only did the pump and motor need replacing but the entire column pipe needed to be replaced. The Wyatt Deep Well Pump and Motor Replacement Project Bid package was sent to nine (9) contractors. Four (4) bidders submitted bids but, only two (2) bidders submitted bids per the requirements of bid documents. The other two (2) bidders were determined not to be responsive to the bid documents and their bids were returned.

The nine (9) contractors were Amerine Systems, Universal Pump & Supply, Central Valley Pump, Don Pedro Pump, Noack Pump, Valley Pump & Dairy Systems, Hawk Systems, Golden State Irrigation Services, and I. J. Larsen Pumps. Of the two (2) bids received, one was from Don Pedro Pump in the amount of \$22,536.22 and the other was from I.J. Larsen in the amount of \$24,934.13. It was determined that the lowest qualified and responsive bidder was Don Pedro Pump.

Staff recommends authorizing the General Manager to award the contract to Don Pedro Pump for the Wyatt Deep Well Pump and Motor Replacement Project in the amount of \$22,536.22 and issue a Notice of Award.

A motion was made by Director Webb, seconded by Director Alpers, and unanimously supported to award the bid to Don Pedro Pump as the lowest qualified responsive bidder for the Wyatt Deep Well Pump and Motor Replacement Project in the sum of \$22,536.22.

**ITEM NO. 11**  
**REVIEW AND TAKE POSSIBLE ACTION TO**  
**APPROVE RESOLUTION SUPPORTING THE PASSAGE OF H.R. 2554**

The Districts have long-sought a Warren Act contract in New Melones and every request has been summarily denied by the Bureau of Reclamation's. HR 2554 is an important piece of legislation for the Districts, their constituents and for the San Joaquin Valley as a whole. Enacting HR 2554 will put to work underutilized storage in New Melones and create a supplemental supply of water that can be used immediately and without requiring the construction of any new facilities.

Once enacted, HR 2554 will require the Secretary of the Interior to offer the Districts a Warren Act contract enabling them to store up to 100,000 acre-feet of water in New Melones Reservoir. Having the ability to store water will improve the reliability and enhance the flexibility of the Districts' supply. This is critically important for the Districts' customers and other water users throughout the San Joaquin Valley.

The Districts have been extremely diligent in improving their conveyance and delivery systems to improve in-District efficiency and reliability. But, things are changing, with both Districts now having customers, both agricultural and municipal, that rely upon them for

needed water supplies. A Warren Act contract will enable the Districts to manage their current supplies to insure a reliable in-District supply on a year-round basis in all hydrologic conditions for the benefit of their current and future customers.

The additional supply will also be available to assist the Bureau of Reclamation to meet its water quality obligations in the Stanislaus River, the San Joaquin River and Delta. Meeting such obligations is critical for the vitality of California's unique ecosystems, and will enable Reclamation to use its own supply directly for the benefit of its contractors.

The Districts support the passage of HR 2554 and are putting forth said Resolution to affirm that support.

A motion was made by Director Webb, seconded by Director Bairos, and unanimously supported to approve the Resolution Supporting the Passage of H.R. 2554.

**ITEM NO. 12**  
**REVIEW AND TAKE POSSIBLE ACTION TO PROVIDE STAFF DIRECTION TO**  
**RESPOND TO THE FINAL REPORT OF THE CIVIL GRAND JURY (CASE 13-01C)**

Attached you will find a Grand Jury Report outlining the complaint received from a landowner on the Garr Pipeline, located immediately east of Snedigar Road and north of Mesa Road. The complaint, as has been presented to the Water Committee and the Board previously, centers on a leaky OID pipeline. OID is willing to replace the pipeline but the landowner at the head of the pipeline, the complainant, refuses OID the access to do the work. The reasons center on the landowners investment in numerous encroachments (rock wall, picket fence, walnut tree) that encumber the surface area above the pipeline and would need to be removed.

The purpose of this agenda item is for disclosure and to seek direction by the Board to prepare a response for the Board's review and eventual Board President's signature by mid-September.

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to direct staff to prepare a response to the Report of the Civil Grand Jury and bring it back to the Board for approval.

**DISCUSSION**  
**ITEM NOS. 13, 14**

**ITEM NO. 13**  
**DISCUSSION ON ABANDONMENT OF DRAINAGE FACILITIES**

The ability of an irrigation district to provide drainage within its service boundaries are outlined in the *California Water Code*, Sections 22095-22099 and in its adopted Rules and Regulations Governing the Operation and Distribution of Irrigation Water within the Oakdale Irrigation District Service Area.

Under *Water Code* Section 22098, it is clear that drainage services may be provided for reasons that beneficially carry on the practice of irrigation or to protect the district from liability by reasons of the irrigation, but in all cases, the services of drainage must be economically reasonable for the district to undertake.

Under OID Rules and Regulation No. 3046, drainage is a privilege that is granted only through written agreement. The ability to drain into an OID facility is revocable at any time and for any reason as determined by the Water Operations Manager.

Based on these and other governance parameters, staff will be bringing various drain abandonment recommendations to the Board in the coming months. These drains to be recommended for abandonment serve no “district” purpose; they serve no beneficial practice that cannot be managed under existing enforcement actions available and related to the practice of irrigation; and these drains alleviate no legal exposure for OID. More importantly, the single focus benefits provided by these systems are no longer economically reasonable. To the contrary, these systems currently add an economic burden to OID by taking money needed and necessary for the water delivery system.

General Manager Steve Knell discussed the abandonment of drainage facilities within the District service boundaries. He stated that there will be a discussion on the abandonment of several drainage facilities on the next Water Committee Agenda scheduled for August 6, 2013.

#### **ITEM NO. 14** **DISCUSSION ON TRI-DAM BUSINESS ITEMS**

This item was placed here for the Board to discuss Tri-Dam business items. The Directors discussed the Draft 5-Year Capital Plan.

#### **ITEM NO. 15** **COMMUNICATIONS**

##### **A. GENERAL MANAGERS REPORT**

###### **Safety Activities**

1. OID has gone 76 days without a lost time injury accident.

###### **Administration Activities**

1. Shively’s attorney sent back an edited Encroachment Agreement. Under evaluation by counsel and staff. Staff has put off the bridge removal temporarily.
2. Adam Perez’s last day at OID was Friday, July 5<sup>th</sup>. We all at OID wish him well in his retirement and thank him for his years of service.
3. The Nature Conservancy (TNC) visited OID on the 8<sup>th</sup>. Good visit. They liked the Union Slough Wetlands Treatment System OID installed.

4. SJTA meeting on the 10<sup>th</sup>. Settlement talks dominate the conversations.
5. Candidate Nomination Period for Public Office opens July 15<sup>th</sup>.
6. July 24<sup>th</sup> is the LAFCO meeting to approve the Trinitas Annexation.
7. NLine Energy here on the 30<sup>th</sup> to review potential low-head hydro sites.
8. MWD Tour re-scheduled for July 30-31<sup>st</sup>.

### **Contract and Special Project Activities**

1. Two-Mile Bar Tunnel (CEQA & Engineering) – CH2MHILL received word last week the final comments were being circulated internally. The Corps indicated they indicated the final EA document would be out for public comment in August. There is a 30 day review period and the feeling is there will not be any significant comments from the public. Once that is complete, a final EA and the FONSI and then the Corps can issue the permit. The indication was sometime in September. However, there was not a year stated.
2. Two-Mile Bar Tunnel Final Design – The design process has been completed and the drawings revised with the comments from the final review. The review process was completed on May 17, 2013 and the revised drawing comments were completed and returned to Condor on June 6, 2013. The specification writing was completed with the specifications and contract documents provided to OID on June 6, 2013 for their review and returned on July 8, 2013. The construction access routes and locations have been finalized based on the construction and permanent easements granted by Hodgdon Enterprises. The Geotechnical Baseline Report (GBR) development has been completed and is being reviewed by Condor before submitting to OID for their review. OID should receive the GBR on July 8, 2013. The Cost Estimate was completed but the review process has not been completed by Condor. The initial indication is the cost will be approximately \$12.5 million down from the original estimates due to the decreases in rebar and concrete pricing, additional geotechnical investigations resulting in a better knowledge of the geology which and better means and methods due to a revised tunnel configuration. The total cost with contingency, Construction Management, OID Costs and some other potential costs would be approximately \$15.0 million. The final design, contract documents, and cost estimate will be provided to OID on July 19, 2013. All Tasks have been completed with the Final Design, Contract Documents, GBR, and Cost Estimate in the final preparation to be issued to OID on July 19, 2013.

The final progress meeting is scheduled for July 17, 2013.

3. Beardsley Reservoir Recreational Improvements – Ford Construction started work on the Black Oak Flat Campground on May 15, 2013 with the clearing, grubbing and logging. The logging was completed and the trees removed on May 22, 2013. The clearing and grubbing was completed on May 31, 2013. The construction work began on June 3, 2013. The Black Oak Flat Campground was scheduled to start June 10, 2013. However, logging began on May 14, 2013 and completed on May 23, 2013. Actual construction began on June 3, 2013 with the clearing and grubbing. The scheduled progress for Black Oak Flat in June was 16%. The actual progress was 23.8% with the completion of the tree removal, rough grading, clearing and grubbing of the campground. The fine grading and road construction began on June 24, 2013 with 75% being completed during June. The water line and storm drainage systems

installation began with 89% and 67% completed respectively. The work for July will consist of the toilet (2) installation being completed. The water line and storm drainage systems being completed. The road base being laid and the AC Asphalt pavement being completed. The campsite facilities installation will start and complete in early August. The scheduled completion date was August 23, 2013 but now is scheduled for August 9, 2013, two (2) weeks ahead of schedule. The Construction Staff reconciled the over and under quantities with Ford Construction for the Beardsley Campground and a credit of \$23,224.33 will be issued to Tri-Dam in the June Invoice. A Change Order was approved by the Board and issued to Ford Construction for the additional work on the Beardsley Campground. There are two claims, one for additional quantity of Earthwork on the Beardsley Campground and the same for Earthwork on the Black Oak Campground. The claims are for the alleged additional quantities which were discussed in a meeting on site on May 16, 2013 with Ford Construction. Ford Construction was to provide the final "As-Built" topo for comparison but this has not been provided. The Project's position is there is no basis for a claim based on the fact the site was the same at the pre-bid meeting as it was on the first day of construction and the contractor was to verify quantities prior to submitting their bid. A mitigation plan has been developed and will be implemented for the remaining work.

4. Willms Ranch Access Easement – The Willms continue with their legal issues and thus no action occurred this period. Willms are waiting on Court decisions before moving forward.
5. Wyatt Deep Well Pump and Motor Replacement Project – A bids were received from two (2) bidders with Don Pedro Pump being the low bidder at \$22,536.22. A notice to proceed will be issued after the Board approves the recommendation on July 16, 2013.
6. District Standard Specifications – No activity this period.
7. Contract Administration activities on contracts to be renewed and/or issued, Work Releases and Change Orders for all contracts. Coordination of contractors for the facility maintenance of the DSO Office and the Main office.

### **Construction Activities**

1. The vacant C&M Leadman position has been filled in-house by Lee Scully.
2. Posted in-house for one (1) vacant C&M Worker position.
3. Kaufmann & Greger property – Demo permit has been signed off on by the inspector. OID forces have conducted the cleanup of the site.
4. Conducted an emergency repair to a turnout gate on the River Road Lateral on Saturday, July 6<sup>th</sup>.
5. Conducting landowner meetings for upcoming construction projects.
6. Field review being conducted on future projects with Water Ops. Manager.
7. Preparing and conducting employee evaluations.
8. Assisting as needed with Engineering Dept. tasks.
9. C&M forces are conducting routine maintenance tasks and JSF's completed by Water Dept. staff.



### **Engineering Activities**

1. SBX7-7 – Turnout location and number of turnouts per parcel being documented/verified for second statistically representative sample. Summary memo and field verification for FlumeMeter installation applicability to follow.
2. Land use Conversion – Continuing to work with landowners, tenants, irrigation design companies and Support Services/Water Operations concerning ongoing and future land use conversion projects. Standard land use conversion letters going out on an as needed basis.
3. STANCO Groundwater Export Ordinance – Meeting held on July 3<sup>rd</sup> at the Stan. Co. Farm Bureau. A Water Summit meeting is scheduled for July 24<sup>th</sup> to introduce the current draft to the broader water community, receive feedback, answer questions and share the course of action moving forward.
4. Engineering staff continuing to work with landowners on encroachment signage and project close-out.
5. Lone Tree Creek – Staff preparing quit claims of any unnecessary easements.
6. GIS Asset Management data collection on the North side of the District continued.

### **Water Operations Activities**

#### **Aq Water**

1. Continued to research and respond to irrigation inquiries regarding new connection possibilities, disconnects and past irrigation practices.
2. Continued to research and respond to miscellaneous irrigation and maintenance issues. Completed documentation and coordinated repairs to OID facilities with the C&M Department as necessary.
3. South Side DSOs continued to assist in affiliating turnouts from the OID facilities inventory data acquired last summer with the parcels they current serve.
4. Pest Department staff continued to fill-in for DSOs on an as needed basis. Mag-H applications continued and post-emergent and berry control applications continued.
5. The eleventh rotation in 2013 (twelfth of the 2012-13 irrigation season) started on or about July 9<sup>th</sup> and is a 10-day rotation. The twelfth and thirteen rotations will be 12-day rotations beginning on or about July 19<sup>th</sup> and July 31<sup>st</sup> respectively.

#### **Water Utilities**

1. Improvement District No. 41:
  - Pumping Station No. 3 remains out of service due to high turbidity issues.
  - Continued to monitor small leak on the water storage tank at the Well No. 1 Station. The tank remains in service and under observation.
2. Improvement District No. 49:
  - Continued to monitor small leaks on the water storage tank at Pumping Station No. 1. The tank remains in service and under observation.
3. Rural Water System No. 1:
  - Annual Nitrite water quality sample was collected at the Hillsborough #2 Pumping station on Monday, July 1<sup>st</sup>. Test results are still pending.
  - Discovered problems with the stand-by Gen-Set at the Sierra Sunset Pumping Station.

4. Domestic Water Systems:

- ID51, Pump #2 – Discovered a PG&E problem. The pump was out of service for a day until repairs could be completed.
- Monthly Coliform Bacteria water quality samples were collected on Monday, July 1<sup>st</sup>. No problems were detected and all water systems are operating without restrictions.
- Received the Gross Alpha water quality test results from the samples collected in June. No problems were detected.

5. On-Call Activities:

- Friday, June 28<sup>th</sup> – Staff responded to a call of a broken water line in RWS #1 which turned out to be a sprinkler system issue.
- Friday, July 5<sup>th</sup>, - Staff responded to a no water call in RWS #1. The Customers backflow assembly was malfunctioning.
- Saturday, July 6<sup>th</sup> – Staff responded to a call from the Water Department regarding problems with the Crawford River Pump VFD.

6. Irrigation Pumping Stations:

- Staff continues to conduct weekly inspection, servicing and security check on the pumping stations. There is nothing unusual or out of the ordinary to report.
- Root Reclamation Pump was out of service from Monday July 1<sup>st</sup> to July 3<sup>rd</sup> due to debris lodged in the impeller.
- Crawford River Pump was out of service from July 6<sup>th</sup> to 8<sup>th</sup> with VFD problems.

**Financing Activities**

1. Prop 1A property tax appropriations received in July.
2. Prepared employee health insurance questionnaire and census for TSM.
3. Prepared ID51 Committee election ballots.
4. Prepared and mailed 2<sup>nd</sup> installment delinquent notices.
5. Boatright Easement acquisition – escrow closed and grant of easement recorded on July 9<sup>th</sup>.
6. Miscellaneous rate study pending General Manager and Managers' review.
7. Continue to review Prop. 218 processes and procedures.
8. Processing numerous property transfers.
9. Effective July 1<sup>st</sup> all rural water customers that do not have a meter were billed the \$14.40 monthly immediate availability charge as per Board direction.
10. Preparation of the 2014 budget.

B. **COMMITTEE REPORTS**

Planning and Public Relations Committee, July 2, 2013

- Donation Request of Children's Guardian Home

Director Clark stated that the Planning and Public Relations Committee met on July 2, 2013 and approved a donation to the Children's Guardian Home for a corporate table of ten in the amount of \$1,000.00.

C. **DIRECTORS' COMMENTS/SUGGESTIONS**

Director Alpers

Director Alpers commented that the Board has made decisions in the past that appear later to haunt the District. He stated that these decisions have to be re-evaluated from time-to-time.

Director Clark

Director Clark stated that it would be nice for the District to provide the public with an update on where the District is going and also discuss the groundwater issue. He stated that he would like to have a community meeting sometime in late fall.

At the hour of 10:50 a.m. the meeting adjourned to Closed Session.

**CLOSED SESSION**  
**ITEM NO. 16**

- A. **Government Code §54956.9(b)** - Anticipated Litigation  
Three (3) Cases
  
- B. **Government Code §54957.6** - Conference with Labor Negotiator  
Agency Negotiator: General Manager  
Unrepresented Employee Organization: Exempt Management, Exempt Supervisory and Confidential Employees
  
- C. **Government Code §54956.9** - Existing Litigation  
(1) *Agee v. Oakdale Irrigation District*
  
- D. **Government Code §54956.8** - Conference with Real Property Negotiator  
Negotiating Parties: OID and Eakin, Valencia, and Knights Ferry Cemetery District  
Property: APNS: 002-036-014, 002-031-021, and 002-068-008  
Under Negotiations: Terms and Conditions

At the hour of 11:35 a.m. the meeting returned to open session.

Coming out Closed Session President Clark reported that by a vote of 4-0, with Director Bairos recusing himself from voting, the Directors approved the Settlement and Release Agreement with Thomas R. and Karen Eakin, and the Agreements for Purchase and Sale of Easement with Thomas R. and Karen Eakin, Paul E. and Laurie A. Valencia, and Knights Ferry Cemetery District. Additional information available upon request at the District office.

**OTHER ACTION**  
**ITEM NO. 17**

The meeting adjourned at the hour of 11:35 a.m. The next Regular Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, August 6, 2013 at 9:00 a.m.** in the board room at 1205 East F Street, Oakdale, CA.

The next Regular Joint Board Meeting for the **Tri-Dam Project** is scheduled for **Thursday, July 18, 2013 at 9:00 a.m.** in the board room of the Oakdale Irrigation District, 1205 East F Street, Oakdale, CA.

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Frank Clark, President

Attest:

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Steve Knell, P.E., Secretary