

MINUTES

Oakdale, California
December 11, 2012

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 9:00 a.m. Upon roll call, there were present:

Directors: Frank Clark, President
Al Bairos, Jr.
Jack D. Alpers
Herman Doornenbal
Absent: Steve Webb, Vice President
Staff Present: Steve Knell, General Manager/Secretary
Gary Jernigan, Contract / Special Projects Manager
John Davids, District Engineer
Jason Jones, Support Services Manager
Eric Thorburn, Water Operations Manager
Also Present: Tim O’Laughlin, 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 9:01 a.m. the Board welcomed public comment.

PUBLIC COMMENT ITEM NO. 1

There being no Public Comment; Public Comment closed at 9:01 a.m. and the Board Meeting continued.

CONSENT CALENDAR
ITEM NO. 2

APPROVE THE RESOLUTION ACCEPTING THE MEMORANDUM
OF UNDERSTANDING WITH THE CONFIDENTIAL EMPLOYEES

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Resolution Accepting the Memorandum of Understanding with the Confidential Employees.

ACTION CALENDAR
ITEM NO. 3

REVIEW AND TAKE POSSIBLE ACTION ON THE TRINITAS
PARTNERS, LLC ANNEXATION AND SPHERE OF INFLUENCE
MODIFICATION PROJECT ADDENDUM AND THE RESOLUTION
ADOPTING THE TRINITAS PARTNERS, LLC ANNEXATION
AND SPHERE OF INFLUENCE MODIFICATION PROJECT
NEGATIVE DECLARATION ADDENDUM AND ASSOCIATED
CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

A Draft Negative Declaration (DND) and Initial Study (IS) was prepared for the Trinitas Partners, LLC Annexation and Sphere of Influence Modification Project (project) pursuant to the California Environmental Quality Act (CEQA) and adopted by the Board on November 6, 2012.

The Oakdale Irrigation District (OID) is considering the proposal to annex ±7,234 acres of land held in a number of limited liability corporations (LLC) collectively referred to as Trinitas Partners, LLC (Trinitas) into the OID service area. Approximately 1,200 acres of land is outside of the OID sphere of influence (SOI), so the SOI will need to be modified by the Stanislaus County Local Agency Formation Commission (LAFCO) as part of the proposed annexation.

OID will provide up to 25,000 acre-feet of water to Trinitas from its pre-1914 water rights. Trinitas lands will be subrogated to existing OID customers in years when OID does not receive its full allotment of 300,000 acre feet of water from New Melones or at times when there is no available capacity in the main canals.

In order to provide surface water to the lands proposed for annexation, 2 delivery points will be constructed adjacent to OID's existing main canal facilities. These are constructed facilities and the delivery points will be located entirely within OID's existing rights of way. By locating the delivery points within existing, previously disturbed rights of way, impacts to the environment and special-status species are avoided. These are the only ground disturbing activities associated with the project and avoidance measures for the construction of the delivery points were incorporated into the project.

Based on the information evaluated in the IS including information provided by Trinitas and Moore Biological Consultants and the Central California Information Center (CCIC) California Historical Resources Information System (CHRIS), Staff prepared a DND.

The documents were circulated to trustee, responsible and other agencies for CEQA review via the State Clearinghouse and direct mailing for 30 days. A Public Hearing was noticed in the Modesto Bee on September 26, 2012 and held on Tuesday, October 2, 2012. The comment period began on September 21, 2012 and ended on October 22, 2012.

Comments were made at the Public Hearing and the Comments and Responses to Comments are attached in Exhibit A. Written comments were received from the Native American Heritage Commission, Stanislaus LAFCO, the San Joaquin Valley Air Pollution Control District, the Central Valley Regional Water Quality Control Board, the State Water Resources Control Board and the California Department of Fish and Game. The Response to Comments received is attached in Exhibit B. The Comment Letters are attached as Exhibit C along with the referral distribution lists for the project. OID has made a Statement of Findings. The Statement of Findings, Exhibits A, B, C and the DND/IS, incorporated by reference are included as part of the final ND. In light of the fact that there are no significant or adverse impacts to the environment as a result of the project, the Board adopted a resolution approving the project and adopting a ND for the project.

Clerical errors were discovered on the filed Notice of Determination (NOD) and to correct that, an Addendum to the Negative Declaration was prepared to amend the project. The amendment results in no change to the environment; therefore, there are no impacts to the environment as a result of the Addendum to the Negative Declaration.

The Addendum to the ND and Final ND is available to all interested parties for review upon request.

Should the Board concur with Staff's opinion, after its independent review of the evidence in the record, Staff requests that the Board approve the Addendum to the Negative Declaration and adopt the attached Resolution.

A motion was made by Director Bairos, seconded by Director Doornenbal, and unanimously supported to approve the Trinitas Partners, LLC Annexation and Sphere of Influence Modification Project Addendum and the Resolution Adopting the Trinitas Partners, LLC Annexation and Sphere of Influence Modification Project Negative Declaration Addendum and Associated California Environmental Quality Act (CEQA) Findings.

DISCUSSION

ITEM NO. 4 **DISCUSSION ON POTENTIAL WATER** **TRANSFER TO THE CITY AND COUNTY OF SAN FRANCISCO**

Staff met with the City and County of San Francisco on December 5, 2012 in San Diego while attending the ACWA Fall Conference. Staff will give a report on its meeting with the City and County of San Francisco.

Comments were received by several members of the public; Tom Gookin, an Oakdale resident, Emerson Drake, a Modesto resident, Diane Kanz, an Oakdale resident, and Noe Paramo, California Rural Legal Foundation.

At the hour of 9:45 a.m. the meeting adjourned to Closed Session.

ITEM NO. 5 **CLOSED SESSION**

- A. *Government Code §54956.8*** – Conference with Real Property Negotiator
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| Negotiating Parties: | OID and City and County of San Francisco |
| Property: | Water |
| Agency Negotiators: | General Manager and Counsel |
| Under Negotiations: | Price and Terms |
- B. *Government Code §54956.8*** - Conference with Real Property Negotiator
- | | |
|----------------------|-----------------------------|
| Negotiating Parties: | OID, Trinitas, LLC |
| Property: | Water |
| Agency Negotiators: | General Manager and Counsel |
| Under Negotiations: | Price and Terms |

At the hour of 10:45 a.m. the meeting returned to open session.

Coming out of Closed Session President Frank Clark stated that there was no reportable action.

ITEM NO. 6 **OTHER ACTION**

At the hour of 10:45 a.m. the meeting was adjourned. The next Regular Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, December 18, 2012 at 9:00 a.m.** in the board room at 1205 East F Street, Oakdale, CA.

The next Joint Board Meeting for the **Tri-Dam Project** is scheduled for **Thursday, December 20, 2012 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