

MINUTES

Oakdale, California
October 3, 2017

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

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

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

The General Manager Steve Knell requested that any comments to be given prior to Closed Session be given during Public Comment so that the City's attorney, Attorney Hallinan, did not have to sit through the entire Board Meeting.

At the hour of 9:03 a.m. the Board welcomed public comment.

PUBLIC COMMENT ITEM NO. 2

Tom Orvis of the Stanislaus Farm Bureau stated the following:

- He provided the District with a copy of the Crop Report for 2016 and stated that Stanislaus County was ranked 5th in the state;
- He stated the Spray Safe event was being held November 17, 2017 at the Modesto Junior College Pavilion which can be applied to the required Continuing Education Hours. He stated that it is free; however you need to RSVP if you would like to attend.

There being no further Public Comment; Public Comment closed at 9:09 a.m. and the Board Meeting continued.

Director Altieri requested that Item No. 2 be pulled from the Consent Calendar; Director Santos requested that Item Nos. 3, 9, 13, 15, 16, 17 be pulled from the Consent Calendar.

CONSENT ITEM
ITEM NOS. 4, 5, 6, 7, 8, 10, 11, 12, 14

ITEM NO. 4
APPROVE IMPROVEMENT
DISTRICT STATEMENT OF OBLIGATIONS

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

ITEM NO. 5
APPROVE ASSIGNMENT OF
CAPITAL WORK ORDER NUMBERS

A motion was made by Director Santos, 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>
Burnett Lateral	Phase 1 TCC system modernization by implementation, replacement, and retrofit of heading and water level control structures. (Prop 1 Grant)	\$ 885,885	2017-019
Tulloch Lateral	Phase 1 TCC system modernization by implementation, replacement, and retrofit of heading and water level control structures. (Prop 1 Grant)	963,177	2017-020
Hirschfeld Lateral	Phase 1 TCC system modernization by implementation, replacement, and retrofit of heading and water level control structures. (Prop 1 Grant)	2,568,473	2017-021
Clavey Pipeline	Remove and replace existing FlumeGate with 1-48" SlipMeter, 1-pedastal cage, structure grating and misc. materials. (APN: 010-072-003)	58,300	2017-033
District Server	Network server replacement virtualization.	175,000	2017-034
Kearney Lateral	Phase 1 TCC system modernization by implementation, replacement, and retrofit of heading and water level control structures. (Prop 1 Grant)	1,528,004	2017-036
West Pump Pipeline No. 2	Installation of 1-30"x15' Fresno 101C slide gate. (APN: 064-012-010)	5,600	2017-037

ITEM NO. 6
APPROVE MONTHLY TREASURER AND CHIEF FINANCIAL OFFICER'S REPORTS FOR THE MONTH ENDING AUGUST 31, 2017

A motion was made by Director Santos, seconded by Director Altieri, and unanimously supported to approve Monthly Treasurer and Chief Financial Officer's Reports for the Month Ending August 31, 2017.

ITEM NO. 7
APPROVE RESOLUTION AUTHORIZING THE GENERAL MANAGER TO EXECUTE ALL NECESSARY DOCUMENTS RELATED TO THE ACQUISITION OF THE REAL PROPERTY LOCATED AT 6000 ALBERS ROAD, OAKDALE, CALIFORNIA (APN: 064-032-001 – GOAD)

A motion was made by Director Santos, seconded by Director Altieri, and unanimously supported to approve the Resolution Authorizing the General Manager to Execute all Necessary Documents Related to the Acquisition of the Real Property Located at 6000 Albers Road, Oakdale, California (APN: 064-032-001 – Goad).

ITEM NO. 8
APPROVE PURCHASE OF ONE (1) NEW 36" SUI DIGGING BUCKET (UNBUDGETED)

A motion was made by Director Santos, seconded by Director Altieri, and unanimously supported to approve the purchase of one (1) new 36" SUI Digging Bucket (unbudgeted).

ITEM NO. 10
APPROVE WORK RELEASE NO. 069 TO PROFESSIONAL SERVICES AGREEMENT 2009-PSA-015 WITH GIULIANI & KULL, INC. FOR PROFESSIONAL SERVICES TO DEVELOP A STORM WATER POLLUTION PREVENTION PLAN (SWPPP) FOR THE BURNETT AND TULLOCH LATERALS TCC PROJECT

A motion was made by Director Santos, seconded by Director Altieri, and unanimously supported to approve Work Release No. 069 to Professional Services Agreement 2009-PSA-015 with Giuliani & Kull, Inc. for professional services to develop a Storm Water Pollution Prevention Plan (SWPPP) for the Burnett and Tulloch Laterals TCC Project.

ITEM NO. 11
APPROVE WORK RELEASE NO. 032 TO GENERAL SERVICES AGREEMENT 2013-GSA-032 WITH NORTHERN STEEL, INC. FOR CUTTING, BENDING, AND PLACEMENT OF REBAR FOR THE HEADWALL MODIFICATIONS LOCATED ON THE BURNETT LATERAL

A motion was made by Director Santos, seconded by Director Altieri, and unanimously supported to approve Work Release No. 032 to General Services Agreement 2013-GSA-032 with Northern Steel, Inc. for Cutting, Bending, and Placement of Rebar for the Headwall Modifications Located on the Burnett Lateral.

ITEM NO. 12
APPROVE WORK RELEASE NO. 033 TO GENERAL SERVICES AGREEMENT 2013-GSA-032 WITH NORTHERN STEEL, INC. FOR CUTTING, BENDING, AND PLACEMENT OF REBAR FOR FOUR (4) EA. STANDARD DROP STRUCTURES LOCATED ON THE TULLOCH LATERAL

A motion was made by Director Santos, seconded by Director Altieri, and unanimously supported to approve Work Release No. 033 to General Services Agreement 2013-GSA-032 with Northern Steel, Inc. for Cutting, Bending, and Placement of Rebar for four (4) ea. standard drop structures located on the Tulloch Lateral.

ITEM NO. 14
APPROVE REQUEST AUTHORIZING GENERAL MANAGER TO EXECUTE RIGHT-OF-ENTRY AND INDEMNITY AGREEMENT WITH THE SIERRA NORTHERN RAILWAY FOR THE LANE PIPELINE RAILROAD CROSSING REPLACEMENT PROJECT

A motion was made by Director Santos, seconded by Director Altieri, and unanimously supported to authorize the General Manager to execute Right-of-Entry and Indemnity Agreement with the Sierra Northern Railway for the Lane Pipeline Railroad Crossing Replacement Project.

The above Consent Items passed 4-0 by the following vote:

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

PULLED CONSENT CALENDAR
ITEM NOS. 2, 3, 9, 13, 15, 16, 17

ITEM NO. 2
APPROVE THE BOARD OF DIRECTORS' MINUTES OF THE SPECIAL MEETING OF SEPTEMBER 19, 2017 AND RESOLUTION NO. 2017-71

There was no motion made on this agenda item and it will be brought back to the next Board Meeting for approval.

ITEM NO. 3
APPROVE OAKDALE IRRIGATION DISTRICT STATEMENT OF OBLIGATIONS

A motion was made by Director Santos, and seconded by Director Altieri to approve the Statement of Obligations with the exception of the O'Laughlin & Paris, LLP and was voted as follows:

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

The motion failed by a 2-2 vote.

A motion was made by Director Doornenbal and seconded by Director Webb to approve the Statement of Obligations and was voted as follows:

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

The motion failed by a 2-2 vote.

ITEM NO. 9
APPROVE AMENDMENT NO. 001 TO PROFESSIONAL SERVICES AGREEMENT
2009-PSA-015 WITH GIULIANI & KULL, INC. FOR REVISED HOURLY RATES

A motion was made by Director Altieri, seconded by Director Santos, and unanimously supported to approve Amendment No. 001 to Professional Services Agreement 2009-PSA-015 with Giuliani & Kull, Inc. for revised hourly rates.

ITEM NO. 13
APPROVE AWARD OF BID TO TARGET SPECIALTY PRODUCTS
FOR THE SUPPLY OF PESTICIDES AND HERBICIDES FOR 2017/2018

A motion was made by Director Altieri, seconded by Director Santos, and unanimously supported to approve the award of bid to Target Specialty Products for the supply of pesticides and herbicides for 2017/2018.

Consent Item Nos. 9 and 13 passed 4-0 by the following vote:

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

ITEM NO. 15
APPROVE ENCROACHMENT PERMIT ON THE
SOUTH MAIN CANAL AND PAULSELL LATERAL
(APNS: 010-011-065, 011-001-035/036/037 – SOUTH MAIN PUMP)

A motion was made by Director Santos and seconded by Director Altieri to bring Consent Item Nos. 15, 16, and 17 to the Water Committee.

Director Webb and General Manager Steve Knell stated that the Finance Committee is the proper committee to hear this matter.

A motion was made by Director Santos and seconded by Director Altieri to revise her prior motion to bring Consent Item Nos. 15, 16, and 17 to the Finance Committee, and was voted as follows:

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

The motion failed by a 2-2 vote.

A motion as made by Director Webb and seconded by Director Doornenbal to waive the encroachment permit fee, and was voted as follows:

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

The motion failed by a 2-2 vote.

ITEM NO. 16
APPROVE ENCROACHMENT PERMIT ON THE
CAPE HORN LATERAL, LESNINI LATERAL AND TULLOCH
PIPELINE (APNS: 002-023-013, 010-047-032 – HOLTHOUSE RANCH, LLC)

Please refer to Item No. 15 above.

ITEM NO. 17
APPROVE ENCROACHMENT PERMIT ON THE CAPE HORN LATERAL
AND PEART LATERAL (APNS: 002-023-010/011, 010-049-001 – NORTH OLIVE, LLC)

Please refer to Item No. 15 above.

ACTION CALENDAR
ITEM NOS. 18, 19, 20

ITEM NO. 18
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE THE RESOLUTION
SETTING AG WATER SYSTEM IMPROVEMENT DISTRICT OPERATION AND
MAINTENANCE CHARGES AND OTHER RELATED CHARGES FOR THE YEAR 2018

A motion was made by Director Santos, seconded by Director Altieri, and unanimously supported to approve the Resolution Setting Ag Water System Improvement District Operation and Maintenance Charges and Other Related Charges for the Year 2018.

The motion passed 4-0 by the following vote:

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

ITEM NO. 19
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE THE RESOLUTION
ADOPTING THE PHASE I TOTAL CHANNEL CONTROL SYSTEM
MODERNIZATION PROJECT MITIGATED NEGATIVE DECLARATION AND
ASSOCIATED CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) FINDINGS

A motion was made by Director Doornenbal, seconded by Director Santos, and unanimously supported to approve the Resolution Adopting the Phase I Total Channel Control System Modernization Project Mitigated Negative Declaration and Associated California Environmental Quality Act (CEQA) Findings.

The motion passed 4-0 by the following vote:

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

ITEM NO. 20
REVIEW AND TAKE POSSIBLE ACTION ON
AWARD OF BID FOR THE PURCHASE OF ONE (1) NEW
FRONT END WHEEL LOADER W/ ATTACHMENTS (BUDGETED)

A motion was made by Director Webb, seconded by Director Santos, and unanimously supported to award the bid for the purchase of one (1) new front end wheeler loader with attachments to Tri-West Tractor in the sum of \$249,989.00.

The motion passed 4-0 by the following vote:

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

COMMUNICATIONS
ITEM NO. 21

A. GENERAL MANAGERS REPORT

General Manager Steve Knell stated that a letter was received from the attorney representing the City of Oakdale addressing the inequitable treatment given between the OID's agricultural vs. its city constituents and asked the District to reconsider its decision. The General Manager stated that this would be discussed in more detail in Closed Session.

The General Manager Steve Knell also responded to Robert Frobose's comment at the last Board Meeting regarding a memo contained in the April 5, 2016 Board packet from Attorney

Paris discussing abandonment. Mr. Frobose read, "Pre-1914 water rights can only be lost via abandonment, forfeiture, prescription, or estoppel." The General Manager stated that what Mr. Frobose did not read was, "Provided OID continues to divert and deliver water . . . , and otherwise takes actions to assert its ownership of the underlying water right, none of these methods of loss will apply . . ." The General Manager stated that Attorney Paris gets this information from Water Code §1244 which states, "The sale, lease, exchange, or transfer of water or water rights, in itself, shall not constitute evidence of waste or unreasonable use, unreasonable method of use, or unreasonable method of diversion and shall not affect any determination of forfeiture applicable to water appropriated pursuant to Water Commission Act or (sic) this code or water appropriated prior to December 19, 1914." The District has pre-1914 water rights and none of those statements that Mr. Frobose made apply to the District's pre-1914 water rights.

Jason Jones gave an update on the Two-Mile Bar Tunnel Project.

B. COMMITTEE REPORTS

There were no committee meetings of the District.

C. DIRECTORS' COMMENTS/SUGGESTIONS

Director Altieri

Director Altieri commented that she was happy to see the District's Directors at the School Farm dedication. She stated that there was a good turnout of local people; however she was disappointed that there was no newspaper coverage. She also asked why the new redistricting map was not on the web site.

Director Santos

Director Santos commented that she was not on the Water Advisory Committee, but attended the recent meeting and that it was interesting. She stated that a lot of statistics were provided and that 2017-2018 was considered to be a sufficient water year. She stated that there was also discussion on SGMA and the fact that our basins are on schedule.

Director Doornenbal

Director Doornenbal commented that the irrigation season is basically over and he was thankful that the water year was extended. He stated that his trees got hit with spider mites and the extra water helped to bring those trees back which will help protect them from the post season sprays.

Director Webb

Director Webb had no comments.

A member of the public, Robert Frobose, commented on Closed Session C.

At the hour of 9:55 a.m. the meeting adjourned to Closed Session.

CLOSED SESSION
ITEM NO. 22

22. Closed Session to discuss the following:

- A. Government Code §54956.9(d)(4) - Initiation of Litigation**
Two (2) Cases
- B. Government Code §54956.9(d)(2) - Significant Exposure to Litigation**
One (1) Case
- C. Government Code §54956.9(d)(1) - Existing Litigation**
*Oakdale Irrigation District v. Linda Santos, Gail Altieri, et al.,
Chris Lewis v. Oakdale Irrigation District, et al.,*

Directors Santos & Altieri left the Closed Session at 10:50 a.m.

At the hour of 11:12 a.m. the meeting returned to open session.

Coming out of Closed Session, the following reportable action was made on Closed Session Item No. 22.B.:

A motion was made by Director Doornenbal, seconded by Director Webb to provide the \$100,000 to the City of Oakdale that was recommended by the ad hoc committee on August 1, 2017. The motion failed by a 2-0 vote for lack of a quorum.

Ayes:	Directors Webb, Doornenbal
Noes:	None
Absent:	None

A motion was made by Director Webb, seconded by Director Doornenbal to direct the General Manager and the General Counsel to meet with Attorney Hallinan and City Manager Bryan Whitemyer. The motion failed by a 2-0 vote for lack of a quorum.

Ayes:	Directors Webb, Doornenbal
Noes:	None
Absent:	None

OTHER ACTION
ITEM NO. 23

The meeting adjourned at the hour of 11:15 a.m. The next Special Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, October 17, 2017 at 6:00 p.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, October 19, 2017 at 9:00 a.m.** in the board room of the South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, CA.

Herman Doornenbal
Vice President

Attest:

Steve Knell, P.E., Secretary