

MINUTES

Oakdale, California
February 17, 2004

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
Louis Brichetto
Tony Taro

Staff Present: Steve Knell, P.E., General Manager/Secretary
Gary Jernigan, P.E., Support Services Manager
Bob Nielsen, Supervisor of Field Operations
Kathy Cook, Chief Financial Officer/Treasurer

ADDITION OR DELETION OF AGENDA ITEMS

Director Brichetto requested that Public Comments be heard first rather than at the end of the meeting as they were before. Director Taro stated that Oakdale Irrigation District belongs to the people and they should be able to speak without having to wait until the end of the meeting. He also questioned why this was changed. Director Clark stated that many other organizations have public comments toward the end of the meeting. He further stated that it would be more efficient to have staff and individuals having an item on the Agenda discuss their business and leave the meeting.

Director Brichetto requested that this be on the next Agenda as an action item.

A motion was made by Director Brichetto, seconded by Director Taro to move the public comments to be heard first and was voted as follows:

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

The motion failed for lack of a majority.

ACTION TO TAKE VARIOUS ITEMS OUT OF SEQUENCE

There were no actions to take any items out of sequence.

General Manager Steve Knell introduced Mr. John Davids, OID's new Assistant Engineer. Mr. Davids began work at OID on February 9, 2004 and will head the Engineering Department.

ITEM NO. 1
PRESENTATION

Director Clark and General Manager Steve Knell recognized and thanked Kathy Cook, Dawn Wilhelm and Bob Nielsen for their completion of the ACWA Supervisor Certification Program.

ITEM NO. 2
PUBLIC HEARING
TO CONSIDER CAPITAL IMPROVEMENTS FOR
OAKDALE IRRIGATION DISTRICT IMPROVEMENT DISTRICT NO. 52

Director Clark stated that this hearing was held to approve the connection of the Improvement District No. 52 water system to Rural Water System No. 1 of the Oakdale Irrigation District. The connection is intended to be used as a temporary (approximately 1-year) backup water supply until the new wells are completed and placed into service. Each individual member of the improvement district will be required to fund their share of the cost for this connection. The total estimate cost of the connection is \$30,000, which translates into approximately \$670 per improvement district member.

Director Clark requested a tally of all votes; those received prior to and during the meeting. 45 members Agreed, 0 Disagreed.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to approve the capital improvements for Oakdale Irrigation District Improvement District No. 52.

CONSENT ITEMS 3, 4, 5, 6,
ITEM NO. 3
APPROVE THE BOARD OF DIRECTORS' MINUTES OF THE
REGULAR MEETING OF FEBRUARY 3, 2004

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to approve the Board of Directors' Minutes of the regular meeting of February 3, 2004.

ITEM NO. 4
APPROVE OAKDALE IRRIGATION DISTRICT'S
STATEMENT OF OBLIGATIONS

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

ITEM NO. 5
APPROVE THE OAKDALE IRRIGATION DISTRICT
IMPROVEMENT DISTRICTS' STATEMENT OF OBLIGATIONS

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to approve the Oakdale Irrigation District Improvement Districts' Statement of Obligations.

ITEM NO. 6
APPROVE THE MONTHLY TREASURER'S REPORT FOR THE
MONTH ENDING JANUARY 31, 2004

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to approve the monthly Treasurer's report for the month ending January 31, 2004.

ACTION ITEMS 7, 8, 9, 10

ITEM NO. 7
REVIEW AND TAKE POSSIBLE ACTION ON A
CONDITIONAL WILL SERVE LETTER FOR A
LOT SPLIT ON BLACK OAK COURT IN IMPROVEMENT DISTRICT NO. 46

The Developer has purchased an oversized lot in Improvement District No. 46 and is requesting a split of the lot into two parcels. The lot is located on the southwest corner of Scarlet Oak Drive and Black Court, APN No. 010-025-075.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to approve a conditional will serve letter for a lot split on Black Oak Court in Improvement District No. 46.

ITEM NO. 8
REVIEW AND TAKE POSSIBLE ACTION ON THE
TRI-DAM POWER FUNDS TRANSFER

OID's 3-Year Action Plan identifies the rehabilitation of the North and South Main Canals as a priority. Monies from Tri-Dam Power Authority and the Projects will be needed to fund this activity. OID needs \$500K to \$1.5 million annually over the next 2-3 years to meet this goal.

Currently, Tri-Dam Authority has \$683,727 in surplus funds pending dispersal to the two districts. At the last Tri-Dam meeting the issue of paying down the Authority's bond debt with surplus funds (currently over \$2 million) was discussed as well. OID requested a one month tabling of that action until staff could research the issue further.

In the near term, any Tri-Dam funds not brought down to OID is capital improvement work that won't get done for OID customers. Staff recommended that the Board support the disbursement of Authority and Project funds to the Districts at upcoming Tri-Dam Board meeting scheduled for February 19, 2004.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to approve the Oakdale Irrigation District's Board of Directors support of the disbursement of Authority and Project funds at the District's Tri-Dam Board meeting scheduled for February 19, 2004.

ITEM NO. 9
REVIEW AND TAKE POSSIBLE ACTION ON THE
REQUEST OF MR. DAN ORTIZ FOR THE
USE OF THE OID PARKING LOT FOR A YOUTH AWARENESS RALLY

Mr. Ortiz has requested the use of the OID's east parking lot for a youth awareness rally. In the past, the OID has denied the use of the parking lot to the Oakdale Police Officers Association and two church groups trying to raise monies for youth programs. Although these are noble and worthwhile causes, the minimization of liability exposure to OID should supercede these requests.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to deny the request of Mr. Dan Ortiz for the use of the OID parking lot for a youth awareness rally. The Board requested that the General Manager draft a policy regarding the use of the OID parking lot and include same on the March 2, 2004 Agenda.

ITEM NO. 10
REVIEW AND TAKE POSSIBLE ACTION ON
AUTHORIZING THE GENERAL MANAGER TO
EXECUTE A CONTRACT TO PREPARE A RISK MANAGEMENT PLAN FOR THE
USE, TRANSPORT AND STORAGE OF HAZARDOUS CHEMICALS

State law requires that a risk management plan be prepared for the storage, transport and use of hazardous chemicals. Hazardous chemicals are used at OID in many forms and compliance with the law is necessary to avoid fines, penalties and criminal charges should an accident occur.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to authorize the General Manager to execute a contract to prepare a risk management plan for the use, transport and storage of hazardous chemicals.

DISCUSSION ITEMS 11, 12, 13

ITEM NO. 11
DISCUSSION OF THE DEVELOPMENT OF A
FOCUSED LONG-RANGE DITCH CLEANING PROGRAM

The ability to provide better ditch maintenance is a critical element within OID's overall maintenance management program. How to achieve or enhance this operation is simple; increase the manpower and equipment currently committed to provide a level of service, which is currently undefined. From the maintenance management perspective, the key is defining what level of service OID wishes to provide to the system and to its customers.

In total, OID has 330 miles of laterals and pipelines and 110 miles of drains. Unfortunately, OID does not know how many miles make up its open laterals and drain system but for calculation purposes it is assumed there are 350 miles of earthen laterals and drains. It is also assumed that at some point in time each of these ditches will need to be cleaned. From experience, unobstructed ditch cleaning operations by a single machine (25 metric ton excavator class) can average about 30-40 miles per year of productive ditch cleaning.

This year's DSO (Dichtender) review of system accessibility indicates fully one-half of OID's system is inaccessible via lateral access. With that kind of limitation, one could easily assume a 50% productivity rate as it relates to ditch cleaning. In other words, as much time is spent building access along the ditch to be cleaned as is spent cleaning the ditch. With the above assumptions, it would take one machine working 1,600 hours per year to clean 15-20 miles of ditch each year, or in other words, one machine working full time, 12 months a year, each and every year, could clean the entire system in 17-23 years. The question then raised is; is this an adequate service standard to meet both system and customer needs?

As a note, in 2003, the largest effort in recent memory for cleaning ditches, staff still only committed about 60% of one (1) operator's time to this maintenance operation.

Director Clark stated that in the Valley Home area alone it is obvious that many of the OID ditches are clogged and have not been cleaned in 20 or 30 years. He stated that it is imperative that a plan be developed to identify the areas needing cleaning and also identify all those OID facilities where there is no access due to encroachments or there never was a right-of-way or easement. The plan should include a long-range plan with costs and how to move forward in accomplishing the goals of the plan.

Director Brichetto stated that he did not have a problem with any access issues providing a particular lateral or drain needs rehabilitation, but to go out and start wars with people when a facility doesn't need maintenance is something he did not want to begin. He further stated that the District has to maintain adequate reserves for emergencies, and that perhaps in a year or two more funding would be available.

General Manager Steve Knell stated that the issue here is cleaning ditches. Fifty percent of OID's ditches can't be accessed. There are many inefficient uses of this agencies' time and labor which could be alleviated with the development and follow through of a long-range ditch-cleaning program.

Mr. Dennis Edge stated that there are areas that OID does not have access to, also areas where roads were built that were never maintained and now there are attempts to rebuild them.

Mrs. Donna Nation stated she knew of instances where individuals have begged OID to do whatever they need to do but what was finally done ended up being a hazard to not only landowners but to ditchtenders.

Mr. Grover Francis stated that when the District went to excavators they almost quit cleaning ditches. He further stated that in the summer when the excavators are sitting the yard and not being used a qualified operator can clean ditches with the water in the ditch.

Mr. Laurens Foard stated that OID should have a plan, but if you spend a lot of money what good is it unless you have management that can handle it. He further stated that good management doesn't need all these plans; they are paid for their brains and expertise to take care of these subjects and such.

Director Clark stated that the General Manager should bring this back for action before the full Board to get a focused maintenance program going on planning and repairing the ditches.

Mr. Stanley Anderson stated that rather than use in-house staff or hire additional staff that OID should look at hiring from the private sector to complete the maintenance projects that need to get done.

ITEM NO. 12
DISCUSSION OF OID'S SUBDIVISION POLICY AS IT
RELATES TO THE STERLING RIDGE SUBDIVISION
LOCATED IN RIVERBANK

Mr. John B. Anderson of J.B. Anderson Land Use Planning expressed his desire to address the Board relative to the OID's Subdivision Policy. Mr. Anderson's firm had been working with JKB Homes on the Sterling Ridge subdivision in Riverbank. There are existing OID facilities located within the Sterling Ridge subdivision in which he had been working with OID staff in order to comply with said subdivision policy. Mr. Anderson stated that OID has asked them to fence OID easement area which they were willing to do. However, the real issue is the request of OID to perfect and overall 30' wide easement using the 4 adjacent properties and try to secure an additional 15 ' and getting them to grant an easement to OID for the total 30' easement. They are continuing to work with property owners and asked for leniency as it relates to the right-of way outside of limits of the land that is owned by them. He stated that they are not trying to get around their obligation, or to get reimbursed for their expenses by OID.

After further discussion, Director Clark stated that the Board cannot take a specific action today because this is not an action item.

General Manager Steve Knell stated that Mr. Anderson needs to get those landowners to say yes on that pipeline.

Director Clark asked Mr. Anderson to keep them posted on the status of this.

ITEM NO. 13
DISCUSSION ON SETTING A WORKSHOP DATE
BETWEEN THE BOARD OF DIRECTORS AND THE
DISTRIBUTION SYSTEM OPERATORS, I.E., DITCHTENDERS

It is important that the Board sit down with their Distribution System Operators and discuss the Rules and Regulations Governing the Distribution and Use of Water and what elements they as Board members wish to emphasize this coming water season.

General Manager Steve Knell stated that it is important for the Board to discuss with the DSO's things that they consider important for the upcoming irrigation season. The DSO's are preparing a list of things they feel are important in order for them to do a better job and would like to share that with the Directors. Mr. Knell further stated that he would like each Director to prepare a list of things they wanted from each DSO during the 2004 water season. Those lists would be consolidated and gone over during a workshop with the DSO's and the Board of Directors.

Director Bricchetto stated that it was a good idea for the Board to come to a consensus on what they felt was important, but that it was the job of the General Manager to relay that to staff.

Director Clark stated that he felt there was value in such a meeting between the Board and the DSO's. It is important to establish some rapport and communication even it is only once year. It is also important that the Board hear what the DSO's think and what some of their complaints are. This could go a long way in establishing a lot of good will between management and these employees.

Director Clark stated that this needs to placed on the Agenda for the Board to vote on when there is a full Board. General Manager Steve Knell stated that in the interim he would still like to have a list of items of importance from each Board member.

A. GENERAL MANAGER'S REPORT

Resource Issues

1. Groundwater Management
 - a. OID met on February 5th with the group.
2. Water Quality Issues-Ag Waiver
 - a. The River Group is continuing to work with URS to meet the April 1st deliverable for individual dischargers. A draft MRP Plan should be to OID by the end of this month.
3. NAPA Proposal
 - a. Conference call held February 11th. Issues and concerns discussed. Supporting the concept of asking for a stopping of the enforcements of TMDLs to see if this new proposal can eliminate some of the contaminant concerns.
4. SJRGA
 - a. Met with City and County of San Francisco after the last SJRGA meeting (of which they are a member) to discuss water needs and the needs of irrigation districts in the future. Discussed OID's development of an Integrated Water Resources Plan and how that process will lay the footprint to OID's interest. Said we are 1-2 years away from completion.
5. VAMP
 - a. The Technical Group met on February 4th to discuss the upcoming VAMP year.
6. Water Report
 - a. Snow water content is still "barely" above average.

Current and Pending Resource Contracts

1. Hazard Assessment of North and South Main Canals
 - a. Punch lists are being prepared to wrap this project up.
 - b. Some floor problems were discovered during the coring process downstream of Two-Mile Bar. Will keep you updated as we find out more.
2. Water Measurement Plan
 - a. Installation of monitoring sites has begun and will be completed by the first week of March.
3. Water Resources Plan-No activities to report.

Current Internal Activities

1. Community Activities
 - a. GM accepted OID's Chamber Membership from their Board on February 10th.
2. Staff Training
 - a. Nine of our DSOs attended the Cal Poly water operations seminar in San Luis Obispo.
 - b. Some staff attended the Tulare Farm Equipment Show

Current Construction/Maintenance/Engineering Activities

1. JLG Box is under construction
2. Hirshfeld Pipeline is in and headwall structures are being formed.
3. Fairbanks Pipeline pressure boxes (2) are being replaced in preparation of the relocation of that failing pipeline.
4. Gate crews to be wrapped up by March 1st.
5. Cape Horn Tunnel replacement is about half way completed
6. A 1,000 feet of the Palmer Lateral is being gunited over the next two weeks
7. The new control drop on the Brichetto Lateral at Wellsford Road is completed.

Domestic Water Activities

1. ID 52-On the agenda

Projects on the Table

1. Mootz Drain-Dennis Edge
 - a. Site access has been secured and fences will be relocated.

Pending List of Jobs

1. Additional items being researched and to be added to this list.
 - a. Lower Cometa-Steve Kistler-No activities to report
 - b. Frobose Ditch-Bob Frobose-Being designed for replacement

Legal Activities

1. Water Counsel- No new activities to report.
2. General Counsel-No new activities to report.

B. COMMITTEE REPORTS

There were no Committee reports given.

C. DIRECTORS' COMMENTS

Director Taro:

- Director Taro questioned why the employee break room was off limits to everyone except employees.

General Manager Steve Knell responded that a memo was given to every Director and posted on all bulletin boards relative to workplace security. It is an OSHA requirement to provide worker protection and one of those elements is to secure the

work place. You do not want to create a home environment in any public agency where someone has the freedom, or believes they do, to come in and walk around the District, get some coffee and sit at employee's desks or in employee break rooms. Steve Knell further stated that you cannot get into other Districts without signing in or going through security gates. A public building does not mean free public access in the work areas. OID has a break room and its employees are entitled to take a break as required by law.

Mrs. Betty Serpa stated that she has seen employees taking their break and others trying to talk to them. This should be a place where employees can go and not be bothered. She further stated that employees have the right to have a room that is just for their use and not other members of the public.

PUBLIC COMMENTS

Mr. Ken Krause made the following comments:

- Stated he took exception to Director Clark's belief that the shareholders of OID come last and also Director Clark's comment that others should not have to sit through the comments that someone from the audience might make as it is a waste of time and should be put at the end of the meeting.
- The General Manager surplused a piece of equipment which was more than his allowable limit. Rather than discipline the manager they changed the rules.
- Having roads on each side of the irrigation ditch, the General Manager has talked about building reservoirs with water on demand and OID has consultants for every project that is being developed by the District; all of these amount to a lot of dollars.
- Comments were published in the newspaper that were statements made by the General Manager which were different than those made at the Board meeting.

Mr. Roger Beymer reminded everyone of the upcoming election and the importance of registering to vote. Mr. Beymer also questioned if he could be reimbursed for the payment he makes for a copy in the Board packet entitled "this page intentionally left blank".

Mrs. Donna Nation expressed her disappointment in Director Clark's choice to put public comments at the end of the meeting.

Mr. Laurens Foard questioned a \$200,000 budgeted item to defend water rights.

Director Clark stated that OID has to defend its water rights every single moment of the day. General Manager Steve Knell stated that the money budgeted it to be used for implementing the water conservation program, Ag Water discharge programs, meeting requirements for the pesticide permit, etc. He further stated that when Mr. Foard or others have questions of this sort that they should come in ahead of time and talk to him about it and he could perhaps clarify things for them.

Mr. Gordon Pimley questioned whose idea it was to put Public Comments at the end of the meeting. First we get cut off from the coffee room and now you want the public to come in

late in the afternoon. Things have been the way they were for 20 years, and the next thing you will do is lock the doors. What was the reason for this change?

Director Clark stated that staff needs to be present for agenda items, presentations, discussion items, etc. After those are completed, they can return to their normal work. Also those individuals that have actions items can present those to the Board, they can be voted on and they can leave. However, this will be on the next Agenda for a full Board vote.

Director Taro questioned the safety of a trash grate on the Da Silva Pipeline that goes under the road at Steinegul which he had brought up before. Support Services Manager Gary Jernigan stated that he would look into this.

Mr. Gookin stated that if trash racks were put in you have to have a program to keep them clean. He stated that the only time that he gets water is when he takes a hook and cleans off the trash rack. If you put racks in you need to have ditchtenders putting the trash in a dumpster instead of leaving it on the side to get thrown back in the canal.

Mr. Grover Francis suggested that the Board place a table with coffee and doughnuts in the Board room which would go a long way to make the audience feel like they are still welcome at OID.

Director Clark stated that during Closed Session a Conference with Legal Counsel, existing litigation, 1 Case – OID vs. Cantal would be held.

At the hour of 11:55 A.M. a motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to adjourn the meeting to Closed Session.

ITEM NO. 15
CLOSED SESSION

- A. **Conference with Legal Counsel**, California Government Code Section 54956.9 - Existing Litigation, 1 Case - OID vs. Cantal, San Joaquin County Superior Court, Case No. CV006932 – No Action Taken.

A motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to adjourn the Closed Session and return to the Regular Meeting.

Director Clark announced that no action was taken during Closed Session.

At the hour of 12:11 P.M. a motion was made by Director Brichetto, seconded by Director Taro and unanimously supported to adjourn to the next **regular Board of Directors' Meeting** to be held on **Tuesday, March 2, 2004 at 9:00 A.M.** at the Oakdale Irrigation District Office, 1205 East F Street, Oakdale, CA 95361.

The next regular Joint Board Meeting for the Tri-Dam Project is scheduled for **Thursday, February 19, 2004** at 9:00 A.M. at the South San Joaquin Irrigation District, 11011 East Highway 120, Manteca, CA.

Attest:

Steve Knell, P.E.
General Manager/Secretary