

MINUTES

Oakdale, California
July 2, 2024

The Board of Directors of the Oakdale Irrigation District invited all to recite the Pledge of Allegiance and then met in Session at the hour of 9:00 a.m. Upon roll call, there were present:

Directors: Tom Orvis, President
Brad DeBoer, Vice President
Linda Santos
Herman Doornenbal
Ed Tobias

Staff Present: Scot A. Moody, General Manager/Secretary
Sharon Cisneros, Chief Financial Officer
Eric Thorburn, District Engineer/Water Operations Manager
Joe Kosakiewicz, Construction and Maintenance Manager
Kim Bukhari, Human Relations Manager

Also Present: Fred Silva, General Counsel
Tim O'Laughlin, Water 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 were no items taken out of sequence.

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

PUBLIC COMMENT

There were two members of public who addressed the Board on matters not on the agenda:

1. Louis Brichetto
2. Ron Nydam, Waterford Irrigation Supply

Public comment closed at 9:06 a.m. and the Board meeting continued.

PUBLIC HEARING **ITEM NO. 1**

ITEM NO. 1

PUBLIC HEARING AND TAKE POSSIBLE ACTION TO APPROVE RESOLUTION ADOPTING A REVISED GROUNDWATER SUSTAINABILITY PLAN AND DOCUMENTING THE COMMITMENT TO DEVELOP AND IMPLEMENT A WELL MITIGATION PROGRAM AND MANAGEMENT ACTIONS IN THE MODESTO GROUNDWATER SUBBASIN

A motion was made by Director Tobias and seconded by Director Santos to approve a resolution adopting a revised Groundwater Sustainability Plan and documenting the commitment to develop and implement a Well Mitigation Program and Management Actions in the Modesto Groundwater Subbasin.

At the hour of 9:11 a.m. the Board welcomed public comment on Item No. 1. There were no public comments.

Public comment closed at 9:12 a.m. on Item No. 1 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

CONSENT CALENDAR
ITEM NOS. 2-6, 8

Director Doornenbal requested Item No. 7 be pulled from the Consent Calendar for further discussion.

2. Approve the Board of Directors Minutes of the Regular Meeting of June 4, 2024
3. Approve Oakdale Irrigation District's Statement of Obligations
4. Approve Oakdale Improvement Districts' Statement of Obligations
5. Approve the Treasurer's Report and Financial Statements for the Five Months Ending May 31, 2024
6. Approve Rejection of Claim Submitted by Matt Showalter
- ~~7. Approve purchase of one (1) 2025 Three Axle Water Truck from Interstate Truck Center at Amended Price~~
8. Approve Professional Services Agreement 2024-PSA-006 with Berliner Cohen LLP and Authorize General Manager to Execute the Contract

A motion was made by Director Santos and seconded by Director Doornenbal to approve the above-noted Consent Item Nos. 2 through 6 and Item No. 8.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ACTION CALENDAR
ITEM NOS. 7, 9-17

ITEM NO. 7
APPROVE PURCHASE OF ONE (1) 2025 THREE AXLE WATER TRUCK
FROM INTERSTATE TRUCK CENTER AT AMENDED PRICE

Following further discussion, a motion was made by Director Santos and seconded by Director Tobias to approve the purchase of one (1) 2025 three axle water truck from Interstate Truck Center at amended price.

At the hour of 9:19 a.m. the Board welcomed public comment on Item No. 7. There were no public comments.

Public comment closed at 9:19 a.m. on Item No. 7 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 9
REVIEW AND TAKE POSSIBLE ACTION TO DENY LANDOWNER'S REQUEST
TO WAIVE INVOICE FOR OID'S REPAIRS TO THE TULLOCH DRAIN DITCH
BANK

A motion was made by Director Tobias and seconded by Director DeBoer to deny the landowner's request to waive the invoice for OID's repairs to the Tulloch Drain.

At the hour of 9:38 a.m. the Board welcomed public comment on Item No. 9. There were no public comments.

Public comment closed at 9:38 a.m. on Item No. 9 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 10
REVIEW AND TAKE POSSIBLE ACTION TO ADOPT THE PROPOSED
WORKPLACE VIOLENCE PREVENTION POLICY IN COMPLIANCE WITH SB
553

A motion was made by Director Santos and seconded by Director DeBoer to Adopt the Proposed Workplace Violence Prevention Policy in Compliance with SB 553.

At the hour of 9:40 a.m. the Board welcomed public comment on Item No. 10. There were no public comments.

Public comment closed at 9:40 a.m. on Item No. 10 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 11
REVIEW AND TAKE POSSIBLE ACTION TO AMEND THE 2024 CAPITAL
BUDGET TO INCREASE BY \$4,000,000 FOR THE BID AND CONSTRUCTION
COSTS FOR PAULSELL LATERAL TUNNELS 1 AND 2 PORTION OF THE
PROJECT

A motion was made by Director Doornenbal and seconded by Director DeBoer to Amend the 2024 Capital Budget to Increase by \$4,000,000 for the Bid and Construction Costs for Paulsell Lateral Tunnels 1 and 2 Portion of the Project.

At the hour of 9:44 a.m. the Board welcomed public comment on Item No. 11. There were two comments from members of the public:

1. Louis Brichetto
2. Ron Nydam, Waterford Irrigation Supply

Public comment closed at 9:47 a.m. on Item No. 11 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 12
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE WORK RELEASE NO. 4 TO PROFESSIONAL SERVICES AGREEMENT 2024-PSA-002 WITH PROVOST AND PRITCHARD, INC. TO PROVIDE FINAL DESIGN, CONTRACT AND BID SUPPORT, CONSTRUCTION MANAGEMENT AND QUALITY ASSURANCE SERVICES FOR THE TUNNELS 1 AND 2 PORTION OF THE PAULSELL LATERAL EXPANSION PROJECT

A motion was made by Director Santos and seconded by Director Tobias to Approve Work Release No. 4 to Professional Services Agreement 2024-PSA-002 with Provost and Pritchard, Inc. to Provide Final Design, Contract and Bid Support, Construction Management and Quality Assurance Services for the Tunnels 1 and 2 Portion of the Paulsell Lateral Expansion Project.

At the hour of 9:51 a.m. the Board welcomed public comment on Item No. 12. There were no public comments.

Public comment closed at 9:52 a.m. on Item No. 12 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 13
REVIEW AND TAKE POSSIBLE ACTION TO GRANT AN EXCEPTION TO THE FORMAL BIDDING PROCESS AND AUTHORIZE THE PURCHASE OF SWITCHGEAR FROM CONSOLIDATED ELECTRICAL DISTRIBUTORS, INC. FOR THE PROPOSED RENEWABLE ENERGY GENERATING FACILITY AT THE NORTH SIDE REGULATING RESERVOIR

A motion was made by Director Santos and seconded by Director DeBoer to Grant an exception to the formal bidding process and authorize the purchase of Switchgear from Consolidated Electrical Distributors, Inc. for the proposed Renewable Energy Generating Facility at the North Side Regulating Reservoir.

At the hour of 9:55 a.m. the Board welcomed public comment on Item No. 13. There were no public comments.

Public comment closed at 9:55 a.m. on Item No. 13 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 14
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE RESOLUTION
FINDING THE THORNTON WELL REPLACEMENT CATEGORICALLY EXEMPT
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A motion was made by Director Doornenbal and seconded by Director Tobias to approve resolution finding the Thornton Well Replacement categorically exempt under the California Environmental Quality Act (CEQA).

At the hour of 9:57 a.m. the Board welcomed public comment on Item No.14. There were no public comments.

Public comment closed at 9:57 a.m. on Item No. 14 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 15
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE RESOLUTION
FINDING THE HOWARD WELL REPLACEMENT CATEGORICALLY EXEMPT
UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

A motion was made by Director DeBoer and seconded by Director Santos to approve resolution finding the Howard Well Replacement categorically exempt under the California Environmental Quality Act (CEQA).

At the hour of 10:01 a.m. the Board welcomed public comment on Item No. 15. There were no public comments.

Public comment closed at 10:01 a.m. on Item No. 15 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 16
REVIEW AND TAKE POSSIBLE ACTION TO APPROVE RESOLUTION
FINDING THE COUNTRY CLUB NO. 3 WELL REPLACEMENT
CATEGORICALLY EXEMPT UNDER THE CALIFORNIA ENVIRONMENTAL
QUALITY ACT (CEQA)

A motion was made by Director DeBoer and seconded by Director Tobias to approve resolution finding the Country Club No. 3 Well Replacement categorically exempt under the California Environmental Quality Act (CEQA).

At the hour of 10:05 a.m. the Board welcomed public comment on Item No.16. There were no public comments.

Public comment closed at 10:05 a.m. on Item No. 16 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

ITEM NO. 17
REVIEW AND TAKE POSSIBLE ACTION TO AMEND THE 2024 CAPITAL
BUDGET TO INCREASE BY \$2,100,000 FOR THE BID AND CONSTRUCTION
COSTS FOR SOUTH MAIN CANAL TUNNEL 9 DOWNSTREAM PORTAL AND
ACCESS RAMP IMPROVEMENTS

A motion was made by Director Santos and seconded by Director Tobias to Amend the 2024 Capital Budget to Increase by \$2,100,000 for the Bid and Construction Costs for South Main Canal Tunnel 9 Downstream Portal and Access Ramp Improvements.

At the hour of 10:13 a.m. the Board welcomed public comment on Item No. 17. There were no public comments.

Public comment closed at 10:13 a.m. on Item No. 17 and the Board meeting continued.

Director DeBoer	Yes
Director Doornenbal	Yes
Director Orvis	Yes
Director Santos	Yes
Director Tobias	Yes

The motion passed by a 5/0 vote.

COMMUNICATIONS
ITEM NOS. 18-21

ITEM NO. 18
DIRECTOR'S COMMENTS/SUGGESTIONS

Director Tobias:

Director Tobias commented that this was an important meeting, a lot of action items with a lot of expenditures, but they're needed for critical infrastructure improvements. He expressed that he is excited for the future, and everything will work out fine.

Director Doornenbal:

Director Doornenbal had no comments.

Director Santos:

Director Santos echoed Director Tobias' comment on the agenda being weighted with several things which are important to the community. She appreciated that Mr. Pena came and took the time to meet with the Board; issues like that are always difficult for the landowner and the District. Director Santos extended thanks to the staff for all the work being done to stay abreast of the regulations including work policies.

Director DeBoer:

Director DeBoer stated that he is troubled by the burden that the State puts on everyone; he is not in favor of workplace violence, but the prevention policy is just another burden for employers, another expense and another thing that takes up our employees' time. He expressed that he is thankful for our staff and that our organization keeps moving forward because staff keeps pushing forward. He is proud to be able to see what we'll accomplish and is grateful for the fact that we can move forward. He encouraged staff to keep going and not to give up because that's how our organization is going to be made great.

Director Orvis:

Director Orvis thanked Gabriel Santos, Safety Coordinator, for sending out his updates regarding weather and thinks it's important to get those out to the employees and that it encourages everyone to hydrate. He shared he is going to visit with his grandson in Colorado Springs and the weather is going to be nice in comparison to our weather. Director Orvis thanked our staff and encouraged everyone to stay safe.

ITEM NO. 19
COMMITTEE REPORTS

Water Committee:

Director Tobias reported that the Water Committee met on June 24, 2024 and discussed the following items:

- Landowner, Mr. Pena, requested to waive OID Tulloch Drain Ditch Repair invoice.
- Unauthorized encroachment within OID's Weeks Pipeline and Temple Spill ROWs.
- Knights Ferry Cemetery Request for Out-of-District water.

ITEM NO. 20
GENERAL MANAGER'S REPORT ON THE STATUS OF ACTIVITIES

General Manager, Scot Moody, extended credit to Gabriel Santos (Safety Coordinator) for his labors on the Workplace Violence Prevention Policy; for putting the initial draft together and for ciphering through all the input from all the management teams and finalizing the document – we appreciate his efforts.

Mr. Moody emphasized, as discussed earlier, that is important for the GSP to get approved for SGMA: coming up with the management actions and how we're going to fairly implement those across the basin is going to be difficult. Mr. Moody suggested that it would be great for the GSA to hire a consulting firm to lead the discussions and manage the process, while allowing everyone to participate; this will need to be discussed with the GSA.

Tim O'Laughlin, Water Counsel, suggested the Board comes up with a strategy about how to approach these issues. He strongly agreed with Mr. Moody that there is no reason for OID to be lead in this process and that we should hire a facilitator with all the GSA partners agreeing to split the costs.

ITEM NO. 21
WATER COUNSEL REPORT

Tim O'Laughlin, Water Counsel, reported on the following matters:

- State Water Resources Control Board's (SWRCB) Phase 2 for Sacramento and San Joaquin Voluntary Agreements (VAs) – SWRCB is working on their program implementation and will try to push that out in September of this year. They are still on track where Phase 1 will not occur until after Phase 2 is done.
- Operations, Criteria, and Plan (OCAP) Biological Opinion (BO) Long Term Operations National Marine Fisheries Services (NMFS) has reached their deadline and sent over the draft for participating agencies to review this past weekend. They will send out a public draft at the end of the month, the 1st of August, for the entire public. The document mainly focuses on Delta smelt and Longfin smelt; all the other species are listed as "to be included". Our response is due by July 15, we do not have any comments at this time.
- NMFS's document will come out at the end of the month. EIR/EIS will be received sometime in September. Mr. O'Laughlin suggested we revisit this in the fall once it's completed.
- Supreme Court's decision on *Loper Bright Enterprises v. Raimondo* and *Relentless, Inc. v. Department of Commerce* effectively overturned the *Chevron* doctrine established by the Supreme Court in the 1984 ruling of *Chevron U.S.A. v. Natural Resources Defense Council*.
- The 10-year deal premised on pre-14 water rights, the State Board doesn't have jurisdiction over them, and we can do what we want as long as its tied to District operations. Mr. O'Laughlin stated that he asked Emily Sheldon, Associate Engineer, to find the current measurement of the Full-Natural-Flow (FNF) at Goodwin Dam. The point of conversion for our water rights are 1860.6. As of June 30, 2024, there were 556 cfs of

FNF at Goodwin Dam. If there is adequate FNF at Goodwin, we can continue to provide out-of-district water until such a time as there isn't. However, if there isn't good FNF we aren't delivering post-14 water out-of-district because it wasn't approved, or part of the project, and we don't want to risk our water rights.

At the hour of 10:56 a.m. the Board took a recess and convened to closed session at 11:07 a.m.

CLOSED SESSION
ITEM NO. 22

22. Conference with Legal Counsel – Anticipated Litigation
Pursuant to Government Code §54956.9(d)(2)
1 case

At the hour of 12:00 p.m. the Board reconvened to open session. Coming out of closed session, President Orvis stated there were no reportable actions.

OTHER ACTION

At the hour of 12:00 p.m. the meeting was adjourned. The Board Meeting of the **Oakdale Irrigation District Board of Directors** is scheduled for **Tuesday, August 6, 2024 at 9:00 a.m.** Details can be obtained by calling (209) 847-0341.

The next Joint Board Meeting of the **South San Joaquin and Oakdale Irrigation Districts** serving the **Tri-Dam Project** and **Tri-Dam Authority** and other joint business matters is scheduled for **Thursday, July 18, 2024 at 9:00 a.m.** in the board room at the office of Oakdale Irrigation District, 1205 East F Street, Oakdale, CA.

Attest:



Scot A. Moody
General Manager/Secretary



Thomas D. Orvis, President
Board of Directors