

**AMADOR WATER AGENCY  
Board of Directors  
Regular Meeting  
January 08, 2009**

**MINUTES**

**Directors Present:** Terence W. Moore, President  
Bill Condrashoff, Vice President  
Debbie Dunn  
Don Cooper  
Gary Thomas

**Directors Absent:** None

**Staff Present:** Jim Abercrombie, General Manager  
Gene Mancebo, Manager of Engineering & Planning  
Michael Lee, Financial Services Manager  
Barry Birge, Construction Superintendent  
Chris McKeage, Operations Manager  
Stephen A. Kronick, Agency Counsel  
Stacey Lollar, Deputy Clerk of the Board

**CALL TO ORDER** – President Moore called the meeting to order at 9:01 a.m.

**ADDITIONS TO THE AGENDA** – There were no additions to the agenda.

**STAFF REPORTS** - E&P Manager Mancebo, Financial Services Manager Lee, Construction Superintendent Birge and Operations Manager McKeage updated the Board on the various activities they have been involved in within their respective areas of responsibility and answered any questions from the Board and public.

**RECESS** was called at 9:46 a.m. **SESSION RESUMED** at 10:02 a.m.

**AGENCY GENERAL**

**Board Member Recognition**

Adoption of Resolution 2009-01 Honoring John P. Swift for his service as Board Member of the Amador Water Agency

**MOTION:** It was moved by Director Thomas, seconded by Director Cooper and unanimously carried to approve Resolution 2009-01 honoring John P. Swift for his service as Board Member of the Amador Water Agency.

Adoption of Resolution 2009-02 Honoring Paul Scott for his service as Board Member of the Amador Water Agency

**MOTION:** It was moved by Director Condrashoff, seconded by Director Dunn and unanimously carried to approve Resolution 2009-02 honoring Paul Scott for his service as Board Member of the Amador Water Agency.

Adoption of Resolution 2009-03 Honoring David S. Thomas for his service as Board Member of the Amador Water Agency

**MOTION:** It was moved by Director Cooper, seconded by Director Thomas and unanimously carried to approve Resolution 2009-03 honoring David S. Thomas for his service as Board Member of the Amador Water Agency.

Adoption of Resolution 2009-04 Honoring Madonna Wiebold for her service as Board Member of the Amador Water Agency

**MOTION:** It was moved by Director Condrashoff, seconded by Director Dunn, and unanimously carried to approve Resolution 2009-04 honoring Madonna Wiebold for her service as Board Member of the Amador Water Agency.

### **Employee Safety Recognition**

#### 1. ACWA/JPIA Safety Award recognizing Anthony Stark

Manager Abercrombie gave a background on the award Anthony Stark was given by JPIA for a trailer modification that saved the agency money and increased safety of the trailer and equipment. David Evitt made a comment to the board on what an excellent employee Anthony has been for the Agency.

**PUBLIC COMMENT** – Mr. Wendell Peart addressed the Board and read a list of questions he would like a response to from the new Board of Directors. Mr. Peart provided a copy of his questions to the Board. President Moore told Mr. Peart that the Director Moore and staff would respond to his comments/ questions in writing.

Mr. Ken Perano – distributed a document to the Board members and Manager Abercrombie which outlined a path of resolution to litigation over the years between him and the Agency. He explained how he included a history component and a 'where can we go from here' component. Mr. Perano did not include any financial terms per his attorney's direction. Mr. Perano asked for a confidential settlement meeting later this month where he would provide the financial terms. He asked the Board to study the document and that we would be happy to answer any questions they might have. Director Bill Condrashoff asked if two board members could be part of the meeting that Mr. Perano was requesting.

David Evitt addressed the Board on several items he asked that special meeting minutes be included on the website and if agenda and minutes could be on line within a week. He also suggested that the newsletter be reviewed by the Board prior to going out to the public and asked if it was possible to have a member(s) of public sit it and review the Newsletter before goes out. Mr. Evitt requested that the various Agency Presentations be made available to the public. David would like the Board to move the Board meeting to the evenings for maximum public participation. He also commented that the public access to documents has improved however would like to suggest getting a back up person on a part time basis or train someone internally for Ms. Thompson's position when gone. Mr. Evitt also asked for a presentation on a future agenda regarding the 1000 acre feet leak below Sutter Creek.

**CONSENT AGENDA MOTION:** It was moved by Director Dunn, seconded by Director Thomas, and unanimously carried to approve the Consent Agenda.

A comment was made by Director Condrashoff on an item he found in accounts payable that jumped out at him, which was the gasoline bill. He asked if there was auditing of employee miles. Mr. Jim Abercrombie agreed to take a look at the bills and report back to the Board on his findings.

#### **Lower Bear River Reservoir**

Discussion and possible approval to authorize General Manager to execute the cooperative and cost sharing agreement with EBMUD, Mokelumne River Water and Power Authority and CCWD for feasibility study to increase storage at Lower Bear Reservoir

Manager Abercrombie asked the Board to approve the four (4) party cost share agreement where the Amador Water Agency would be acting as lead. He shared that this agreement would be at no cost to rate payers as it will be paid out of the Water Development Fund. Mr. Abercrombie addressed various questions from the Board including Director Condrashoff's question of PG&E's involvement and Director Cooper's concerns on the details of deliverables of the consultant. He stated that he and the other Board members would understand the project more by placing the project on a future agenda.

Mr. Pete Bell with Foothill Conservancy addressed the Board and gave a brief history of PG&E's involvement in the project.

Director Condrashoff stated that he was concerned with facts stated in the staff report. Mr. Mancebo responded to Director Condrashoff's concerns. Director Condrashoff requested information on staff time and cost associated with this project. Agency Counsel Kronick clarified that staff's time would be allocated to future capital projects, which does not get paid by the rate payers.

Agency Counsel Kronick gave clarification of the agreement that was being asked to be approved by the Board. Additionally Mr. Abercrombie informed the Board that many of their questions would be answered during an upcoming water rights workshop.

**PUBLIC COMMENT** – Mr. Wendell Peart gave a brief history of California drought years and posed the following question to the board – “If current residents have water why do current residents need to pay for the Agencies efforts to obtain more water?”

Susan asked what the other entities interests were in this project. Mr. Abercrombie asked to address this question at the Water Rights workshop.

Pete Bell informed the Board that there is a lot of history with a lot of complications. He stated that he was willing to help answer any questions the Board might have and thought it would be best for Board to sign this agreement so that rate payers would not have to pay for this study.

**MOTION:** It was moved by Director Cooper, seconded by Director Dunn, and unanimously carried to authorize General Manager to execute the cooperative and cost sharing agreement with EBMUD, Mokelumne River Water and Power Authority and CCWD for feasibility study to increase storage at Lower Bear Reservoir

## **CAWP**

### **CAWP Water Right Modification of Existing Permit**

Discussion and direction to authorize General Manager to submit a water right permit revision for the Gravity Supply Line Project

Manager Mancebo made a presentation on the Gravity supply Line project which included information on areas the CAWP system serves, a pumping cost analysis, possible elimination of future need to be dependent on power, operational costs of power, green energy project, water quality down the line, possible pipe routes. This item is about positioning the Agency for grant monies in the future. Manager Mancebo and Manager Abercrombie answered questions from the Board for clarification.

**MOTION:** It was moved by Director Dunn, seconded by Director Condrashoff, and unanimously carried to authorize the General Manager to submit a water right permit revision for the Gravity Supply Line Project.

**RECESS** was called at 12:26 p.m.

**SESSION RESUMED** at 12:36 p.m.

**AMADOR WATER SYSTEM -Plymouth Pipeline Project**

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Reconfirm authorization to staff to complete the Plymouth Pipeline Project not to exceed the total estimated project cost of \$10,661,694

Director Condrashoff had questions on the spreadsheet which Mr. Abercrombie and Mr. Lee responded.

**MOTION:** It was moved by Director Thomas, seconded by Director Cooper, and unanimously carried to authorize staff to complete this project not to exceed the estimated total project cost of \$10,661,694.

**COMMITTEE MEETING REPORTS** – This item was carried over to next regular scheduled board meeting.

**FUTURE AGENDA TOPICS-** Mr. Abercrombie suggested discussing Disinfection By Products at a future meeting. In addition Mr. Abercrombie and the Board agreed to create a list of future agenda topics.

**CLOSED SESSION** was called at 12:48 p.m.

- A. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) – Existing litigation- Ken Berry vs. Amador Water Agency (Amador County Superior Court Case No. 08-CV-5592) -
- B. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) – Existing Litigation- Amador Water Agency vs. Kenneth Perano, as Trustee of the Ernest W. Perano Exemption Trust, et al. (Amador County Superior Court Case No. 06-CV4189)
- C. Conference with Legal Counsel Pursuant to Government Code Section 54956.9(b)(1) –Anticipated Litigation (1 case)

**OPEN SESSION RESUMED** at 3:11 p.m. with direction given to staff.

Director Condrashoff declared a potential conflict of interest regarding Closed Session item 11.A due to his real property ownership that has the canal on it. Director Condrashoff left the Board Room and did not participate in the discussion of item 11.A.

**ADJOURNMENT** –President Moore adjourned the meeting at 3:15 p.m.

*Stacey Lollar*

Stacey Lollar

Deputy Clerk of the Board of Directors

*CHSL Thompson*

Approved:

*2/12/09*