

**AMADOR WATER AGENCY  
Board of Directors  
Regular Meeting  
August 14, 2008**

**MINUTES**

**Directors Present:** John P. Swift, President  
David S. Thomas, Vice President  
Terence W. Moore  
Paul Scott  
Madonna Wiebold

**Directors Absent:** None

**Staff Present:** Jim Abercrombie, General Manager  
Gene Mancebo, E & P Manager  
Barry Birge, Construction Superintendent  
Chris McKeage, Operations Manager  
Michael Lee, Financial Services Manager  
Stephen A. Kronick, Agency Counsel  
Cris Thompson, Clerk of the Board

**CALL TO ORDER** – President Swift called the meeting to order at 9:00 a.m.

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

**STAFF REPORTS**, Barry Birge, Construction Superintendent, Chris McKeage, Operations Manager, Michael Lee, Financial Services Manager, and Gene Mancebo, E & P Manager, 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.

**PUBLIC COMMENT** – Mr. Rob Aragon with JTS Communities addressed the Board and congratulated staff on the efforts made by Agency staff for the accomplishments with regards to the lone Wildflower tank, water line and infrastructure improvements. Mr. Aragon stated that with regards to Consent Agenda item No. 3.B. (consideration of an extension to the conditional will serve commitment with Ryland Homes), he cautioned that with the decision the Board makes today, if approved, other developers will be asking for extensions as well and he would like to encourage the Board to look at policies that are even and transparent and give everyone a fair opportunity.

Mr. David Evitt from Sutter Creek addressed the Board and asked Manager Mancebo for a clarification of his staff report stating that there are customers currently connected

to the new small diameter pipeline. Manager Mancebo stated that there are existing customers in the lower portion of the canal who have been transferred from the canal to the pipeline. Mr. Evitt asked how many canal customers are connected. Manager Birge stated approximately 8 customers. Manager Mancebo stated all of the customers are located between Sutter Ridge Vineyard and Tanner Reservoir. Mr. Evitt also asked how many have turned off their pumps and for how long. Manager Birge stated that he was not sure how many. Mr. Evitt also asked about the status of a discharge permit for the canal system. Manager Abercrombie stated that there is no permit.

### **CONSENT AGENDA MOTION:**

Item 3B. is being moved to item 6.B of the Regular Agenda. It was moved by Director Scott, seconded by Director Moore, and unanimously carried to approve the Consent Agenda.

### **AMADOR WATER SYSTEM**

#### **Amador Transmission Pipeline-Discussion and possible adoption of Resolution No. 2008-19 adopting an Addendum (No 4) to the Revised Final Environmental Impact Report (RFEIR) for the Amador Transmission Project-**

Manager Abercrombie briefed the Board on the need for the Addendum. He stated that several years ago, the Board approved the Revised Final EIR ("RFEIR") which provided that the canal would be abandoned, a small diameter pipeline would be laid in the bottom of the canal, and the canal would be dewatered. He stated that since beginning the process to install the pipe, many landowners have requested consideration for options in the process. He also stated that in discussions with the customers on the canal, most have indicated they would like to see the canal filled. Manager Abercrombie also stated that the Agency performed an environmental review of the different options for installing the small diameter pipeline in the canal and determined that an addendum was the appropriate environmental document to address these minor changes. Manager Abercrombie concluded by saying that he would like to be clear that the issue before the Board is not whether or not the canal should be dewatered. That issue was addressed in the RFEIR. The issue before the Board concerns the environmental effects of the different methods to install the small diameter pipeline in the canal in order to try to meet the landowners' concerns as we meet with them to negotiate easements and try to satisfy their concerns. Manager Mancebo described the pictures before the Board. The pictures are from the canal slide area that has been restored, showing reseeding and filling in the canal area. He went on to describe the 4 options which would be available to customers if the addendum were approved. Option one is to simply lay the pipe in the canal and leave it open. Option 2 is to lay the pipe in the canal and restore the area, covering the pipe. Options 3 and 4 allow for the pipe to be placed in the lower section of the berm of the canal, and then either fill the canal or leave it open. Manager Mancebo reiterated that the purpose of this effort is to provide some options to meet property owner desires.

Manager Mancebo passed out copies of one comment letter submitted by Mr. Ken Berry and copies of 8 letters from canal customers indicating their desire to see the canal backfilled.

President Swift asked the Board if there were any questions regarding the addendum. Managers Mancebo and Abercrombie answered the questions of the Board members.

President Swift then asked for public comment regarding the addendum.

Mr. Kim Still asked if the canal were filled, would vehicles be able to drive across it. Manager Mancebo answered in the affirmative.

Mr. Jim Edmunds had a couple of comments. He expressed concern about mosquitoes. He expressed concern over what would happen to the trees on the berm. He said that large pine trees have been there for many years. He stated that drainage is a problem and asked that the problems be addressed. Mr. Still stated he is not concerned about the pipe being covered. He would like the other concerns addressed.

Manager Mancebo responded to the concerns about the trees and the berm. He said that to date, crews have worked around the trees and not one tree has been cut down, and there are no plans to do any tree cutting.

Mr. Ken Berry addressed the Board regarding the letter which he submitted yesterday and a new letter which he submitted at today's meeting. He asked if the Board had any questions regarding his previous letter. He stated that the issue is whether an addendum is appropriate or a subsequent EIR is appropriate. He informed the Board of CEQA requirements, as he understands them, and stated that he feels that there is new information that requires a supplemental EIR which allows for a comment period.

Director Moore suggested that the addendum be held over to give the Board an opportunity to review the information submitted by Mr. Ken Berry. Director Scott concurred.

Mr. Bill Condrashoff addressed the Board and provided informational handouts. He stated that the flow information in the handouts goes along with the information that Mr. Berry submitted. He pointed out that according to the graph, the flows in the creek are very close to zero and have been for about a month. He also said that the "creeks have gone dry." He stated that today, there is zero flow in the creek. He stated the EIR said this would not happen, and therefore what he has presented is new information. He represented that the flow was measured at the Jackson Creek WWTP facility. Mr. Condrashoff claimed that operation of the canal has had a substantial effect on flows. He stated that he felt that the information supplied needed to be considered.

Board members asked questions of Mr. Condrashoff for clarification.

Mr. David Evitt addressed the Board with a list of questions regarding the pipe size, compaction, locations being proposed to breach the berm, use of wastegates, mosquito abatement, maintenance of the berm, and dust and erosion control.

Ms. Carol Marz, Ms. Kathy Vanderford, Ms. Pat Vanderpol Mr. Ron Maddox and Victor Jenkins addressed the Board with each voicing their concerns and asking questions for clarification.

Manager Abercrombie stated that given the volume of questions to be addressed, he asked to continue this item to give staff an opportunity to address the concerns. He stated that the information will be provided at the next Board meeting.

**RECESS** was called 10:29 at a.m. **SESSION RESUMED** at 10:45 a.m.

### **AMADOR WATER SYSTEM**

#### **Direction for General Manager to execute an amendment to the agreement with Ryland Homes to extend the conditional will serve commitment.**

Manager Abercrombie briefed the Board on the need for the extension, and expressed the Agency's appreciation to Ryland Homes for the expenditures incurred in building the Wildflower tank. Based on the Engineering Committee meeting, staff is recommending the extension of the will serve commitment. He asked that this item be carried over to a future Board meeting so that there is time to ensure that the Agency policy allows for the extension. Doug Goldsmith addressed the Board and thanked the staff for all of their hard work and cooperation. This item was continued to the next Board meeting.

**RECESS** was called 11:29 at a.m. **SESSION RESUMED** at 12:00 p.m.

### **AGENCY GENERAL**

#### **California Water Bond-Discussion and direction to send letters of support for a comprehensive water bond package-**

Manager Abercrombie briefed the Board on the request from ACWA to send letters of support for a comprehensive water bond package.

#### **MOTION:**

It was moved by Director Scott, seconded by Director Thomas and unanimously carried to direct staff to send letters of support for a comprehensive water bond package.

#### **Amador Fire Safe Council- Discussion and Direction to have Amador Water Agency General Manager participate on the Amador Fire Safe Council**

Direction was given to the General Manager to participate on the Amador Fire Safe Council.

**Wastewater Funding- Discussion and Direction to send a letter of support for AB2356; Wastewater collection, treatment, and disposal project funding for small disadvantaged communities**

Counsel Kronick stated that this bill has been significantly amended, and recommends that the Agency study the changes to the bill and not take action to support until the revisions have been reviewed.

No action was taken on this item.

**AGENCY COUNSEL REPORT-** Counsel Kronick updated the Board on the various bills in the legislative process that could affect the Agency. He answered questions of the Board members.

**COMMITTEE MEETING REPORTS**

Engineering Committee Meeting-August 7, 2008-Report given under item 6.B Mountain Counties Meeting-August 8, 2008- Director Scott attended with Manager Mancebo. He stated that they had an excellent presentation on the peripheral canal. Manager Mancebo stated he was attempting to get a copy of the presentation, possibly for a future Board Meeting.

**RECESS** was called 12:24 at p.m. **SESSION RESUMED** at 12:29 p.m.

**CLOSED SESSION** was called at 12:30 p.m. for the following matters:

- A. Pursuant to Government Code Section 54957.6 -Conference with Labor Negotiators (Jim Abercrombie and Karen Gish) – Department Heads, Management Group, AWA Employee Association, and Confidential Group Negotiations
- B. Pursuant to Government Code Section 54956.8-Conference with Real Property Negotiators- Agency Negotiator, Jim Abercrombie concerning APN 008-140-004  
Negotiating Party Chris H. and Faye H. Gansberg
- C. Pursuant to Government Code Section 54956.9(a) – Existing Litigation – Conference with Agency Counsel
  1. Amador Water Agency vs. Kenneth Perano, as Trustee of the Ernest W. Perano Exemption Trust, et al. Case No. 06-CV4189
- D. Pursuant to Government Code Section 54956.9(c) – Initiation of litigation-  
1 case

**OPEN SESSION RESUMED** at 1: 05 p.m. with direction given to staff.

**FUTURE AGENDA TOPICS**- There were no items requested.

**ADJOURNMENT** – President Swift adjourned the meeting at 1:05 p.m.

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Cris L. Thompson  
Clerk of the Board of Directors

Approved: \_\_\_\_\_