

**AMADOR WATER AGENCY**

Board of Directors

Regular Meeting

June 14, 2007

**MINUTES**

**Directors Present:** Terence W. Moore, President  
John P. Swift, Vice President  
Heinz Hamann  
Dan Brown  
David S. Thomas

**Directors Absent:** None

**Staff Present:** Jim Abercrombie, General Manager  
Gene Mancebo, Manager of Engineering & Planning  
Sue Tearpak, Customer Service Supervisor  
Barry Birge, Construction Superintendent  
Stephen A. Kronick, Agency Counsel  
Cris L. Thompson, Clerk of the Board

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

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

**STAFF REPORTS** - E&P Manager Mancebo, Customer Service Supervisor Tearpak, representing financial services and Construction Superintendent Birge 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. Manager Abercrombie shared with the Board a special newsletter to the customers regarding the small diameter pipeline project.

**PUBLIC COMMENT** – There was no public comment

**CONSENT AGENDA**

**MOTION:** It was moved by Director Hamann, seconded by Director Swift, and unanimously carried to approve the Consent Agenda.

**AGENCY GENERAL**

**ACWA Region 3 Nomination-** Manager Abercrombie informed the Board that it was time to submit nominations for the ACWA Board of Directors. He asked if anyone else was interested in being on the ACWA Board and that he would be more than happy to serve again on the ACWA Board of Directors for the upcoming fiscal year. The Board agreed that it is beneficial for the Agency as well as the community for Manager

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Abercrombie to serve on the Board for another term.

**MOTION:** It was moved by Director Hamann, seconded by Director Brown, and unanimously carried to adopt Resolution 2007-13, nominating Jim Abercrombie as a Member of the ACWA Region 3 Board of Directors.

**WATER CODE REVISION-** Manager Abercrombie explained the recommended amendment to the "Use of Recycled Water" section 1.34 of the Agency's water code. The revision of the word "may" to "shall" will change the section to read "The Agency **may** provide potable water or other non-recycled water supplies for nonpotable uses when sufficient recycled water is not available after consideration of the above factors and the demands of existing recycled water customers." Counsel Kronick stated that the agenda reflected this would be a possible adoption of a resolution when in fact this amendment should be considered by adoption of an ordinance. The ordinance was introduced to the Board for consideration and possible adoption at the June 28, 2007 Board Meeting.

**MOTION:** It was moved by Director Hamann, seconded by Director Brown, and unanimously carried to waive the reading of the ordinance and consider it so introduced for consideration of adoption.

### **AGENCY COUNSEL REPORT**

**State Legislative Report-** Counsel Kronick reported on SB 343 regarding the Brown Act Measure, this measure has passed the Senate and is headed for the Assembly, it applies to all special districts. Amended last May 25, 2007 this bill requires if a document is distributed after the 72 hours before a noticed meeting, you must post it on a website or specify a location for inspection. If presented at the meeting you must provide copies to anyone attending. AB 1260 regarding Prop 218 notifications, sets 120 day statute of limitations to file legal challenges to proposed rate increases. AB 224 regarding water supply planning, evaluating effects of climate change on water supply, this bill was amended so that DWR takes global warming into account when issuing permits. SB 1259 water supply bond act- money for new surface water supply projects, is dead in committee, AB 1435 requires conservation rate structures, this has passes the Assembly and is in the Senate. AB 1481 regarding recycled water provides that Regional Water Quality Control Board create a generalized statewide permit for recycled water. This bill is currently in the Senate.

SB 516 penalties for WDR assess penalties within a year of incident-This bill is dead.

SB 887- Low income rate payer-This bill is dead.

SB 942- Workers compensation bill amended May 8 provides that if an employee was injured on the job and is ready to return to work, the employer has to reinstate within 5 days to previous position.

SB 178 Ground water monitoring requirements- This bill is in the Senate

AB 543- Required that if overtime was required the employee would have to be notified 8 hours prior to the shift; this bill was gutted June 1 and is now a requirement study bill.

SB 964- Brown act violations, this bill makes it clear that serial voting and serial discussions are prohibited.

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AB 1684 security system time to retain video tapes, current law 1 year, and the new requirement will be 210 days. This bill has passed the Assembly and is currently in the Senate.

SB 699 regarding water and sewer connection charges describes in more detail what the participation fee and capacity charge includes, making it clearer to the customer.

**RECESS** was called at 10:15 **SESSION RESUMED** at 10:30

### **COMMITTEE MEETING REPORTS**

**Amador Dry Creek Watershed Group Meeting Report** – Director Hamann reported on the recent meeting held on March 7, 2007. He stated that there were many attendees. There was an update on their non profit status and Amador Community Foundation agreed to provide start up funds if they decide to continue pursuing the non profit status. The other option would be to partner with resources for humanity.

Director Hamann stated that the Stewardship grant is complete. He also stated that there is a UOP instructor setting up programs for students to interact with Amador Dry Creek Watershed Council. Amador Dry Creek Watershed Group members have determined that a flood control program is needed and they will be working on that in the future. Next meeting: June 20, 2007 -7pm.

**Mountain Counties Water Resources Association** – Manager Abercrombie reported that he attended the recent meeting at Ironstone Vineyards and the guest speaker was Mr. Arthur Baggett of the State Water Resources Control Board.

**Engineering Committee Meeting Report** -Director Hamann reported that on May 23, 2007 the following items were discussed; Wastewater improvements in the Camanche area. Mr. Robert Cosmero was present and there was discussion regarding his current parcels, his conditional will serves and items to complete with his engineer before service can be provided. Martell Regional Wastewater Treatment Plant- discussion regarding concept of regional plant to expand and look at package plants and other options to bring back to the board. Upcoming workshop for Regional Wastewater planning will be scheduled in the near future. An outline will be send to all directors.

### **ACWA Conference Report**

Director Swift, Director Moore and Manager Abercrombie reported on the various workshops, seminars and meetings they attended at the recent ACWA conference. Some of the topics included water use efficiency, water conservation and several Assembly bills that could affect the Agency.

**FUTURE AGENDA TOPICS** –There were no items requested

**CLOSED SESSION** was called at 11:10 a.m. for the following matters.

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
2. Amador Water Agency vs. Zelda Mondani, Case No. 06-CV4173
3. Bruce A. Roen and Debra J. Roen vs. Amador Water Agency, et al. Amador County Superior Court Case No. 07CV4727

Pursuant to Government Code Section 54956.9(b) – Anticipated Litigation – One potential cases

**CLOSED SESSION** was adjourned at 11:37 a.m.

**OPEN SESSION** resumed at 11:37 a.m. with direction given to staff for Manager Abercrombie to sign the ACWA/ JPIA waiver with regards to the Roan litigation.

**ADJOURNMENT** - President Moore adjourned the meeting at 11: 38 a.m.

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Cris L. Thompson  
Clerk of the Board of Directors

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