

**AMADOR WATER AGENCY**

Board of Directors  
Regular Meeting  
September 27, 2007

**MINUTES**

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

**Directors Absent:** None

**Staff Present:** Jim Abercrombie, General Manager  
Gene Mancebo, Manager of Engineering & Planning  
Stephen 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** –Proposed Water Bond 2008- Manager Abercrombie stated that comments to the Water bond act for 2008 must be submitted by the end of business today and would like to add this to the agenda for direction to send letters in support of Regional Council of Rural Counties to legislative representatives. Director Hamann motioned to add this item as 7B, Director Swift seconded the motion and item was carried unanimously.

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

**CONSENT AGENDA**

Counsel Kronick requested that Item 2.C be moved to the regular agenda. Item 3.A was not approved and will be moved to the next agenda. It was moved by Director Hamann, seconded by Director Brown, and unanimously carried to approve the Consent Agenda with some minor changes to item No. 1A.

Item No. 2.C - Adoption of Resolution No 2007-22- Initiating the annexation of the Wolfgang Hocke property, Apn No. 032-320-025 to the CAWP Retail Water District- Counsel Kronick explained to the Board that this annexation when initially brought to the Board had some issues with regards to the payment of fees and the future fees with the lot split. Due to the clarification needed, the Resolution was not adopted, this item was inadvertently agendized to declare the annexation at the September 13, 2007 and the item was continued. After the clarification and explanation of fees to the Board the following action was taken:

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**MOTION:** It was moved by Director Hamann and seconded by Director Swift and unanimously carried to adopt Resolution No. 2007-22 Initiating the annexation of the Wolfgang Hocke property, Apn No. 032-320-025 to the CAWP Retail Water District. The public hearing for declaration will be set for October 25, 2007.

**AMADOR WATER SYSTEM-**

**Wholesale Wastewater Agreement with the City of Sutter Creek-** Manager Abercrombie introduced this item and gave the Board a brief background on the need for the agreement. The referenced parcels reside within the City of Sutter Creek service area even though they are on the South end of Ridge closer to Martell. The Engineering Committee has reviewed proposals from the City of Sutter Creek several months ago and determined that since they wanted to serve those parcels as retail customers, the Agency could enter into a wholesale wastewater agreement with the City and the City could then serve those parcels as retail customers. E&P Manager Mancebo explained the details of the agreement and the minor changes and additions to the agreement that were made after the agenda packets were finalized. Manager Mancebo stated that staff recommends approval of the agreement. President Moore asked if Sutter Creek had seen the agreement, Manager Abercrombie stated that Rob Duke was sent the agenda, staff report and the draft agreement. Manager Abercrombie, E&P Manager Mancebo and Counsel Kronick answered various questions of the Board for clarification.

**MOTION:** It was moved by Director Swift and seconded by Director Hamann, and unanimously carried to authorize staff to enter into a Wholesale Wastewater Agreement with the City of Sutter Creek to serve parcels in the southwest Ridge Rd area.

**Wicklow Way Subdivision-** This item will follow item 7A. Giving Gwyn-Moor Tully, author of the document, the opportunity to be here to answer any questions the Board may have.

**AGENCY GENERAL-**

**Jackson Creek Sub Watershed Project**

Manager Abercrombie asked the Board for direction regarding this property. He stated that staff has had not had time to do the due diligence on this item aside from the meeting with Mr. Foster and Real Estate Agent Janice Cavalieri. He stated that there was some indication from some of the Board members that the Agency might be interested in taking title of this property in the interim until the County got things together to accept it. Manager Abercrombie stated that this item is on the agenda for Board direction as a policy matter for the Board to determine if they want staff to do the due diligence and negotiate a purchase agreement to the satisfaction of the Agency so that in the future the Amador County Recreation Agency can take ownership of it. Mr. Duke Foster addressed the Board regarding this property. He stated that there is a need to lock the land for the protection of the watershed. Director Thomas asked Counsel Kronick if the Agency took possession of this property would the Agency be responsible for the environmental issues associated with it, Counsel Kronick said yes, the Agency would be. Manager Abercrombie stated that there may be old batteries, oil drums, and

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other hazards that would need to be addressed and that the property has not been viewed by the Agency. Mr. Foster stated that the grant monies that have been secured for this project could be used for the environmental assessment. President Moore asked that we have JPIA review the property for possible additional costs of coverage. Manager Abercrombie expressed concern for the use of Agency staff time and Agency counsel time to review the project and whether or not those costs could be paid out of the grant fund. He also stated that this project was not budgeted for and potential costs could end up being passed on to the rate payers and he was not in favor of that. Mr. Foster stated that he would check to see whether those costs could be paid by the grant fund. Director Hamann asked Mr. Foster what the issues are that the County has with this project. Mr. Foster stated that he doesn't feel the County is addressing the open space, watershed protection plan and does not know why after 10 months they have decided not to take title of the land. Real estate Agent for the property owner, Janice Cavalieri, addressed the Board regarding the property and the timeline. She gave the history of the project and stated that a non profit can not hold title to the land due to the grant requirements which is why Amador County Recreation Agency (ACRA) could not accept the land. Counsel Kronick asked what the real time line is for addressing this project; Ms. Cavalieri stated that the property owners would need to have a purchase contract in place within 30 days or run the risk of losing the property. If the property goes into the foreclosure, the grant funds will be lost and that would mean 10 months of work along with funds that Resources for Humanity has paid will be lost as well. Director Swift asked if a volunteer could assist staff in gathering answers to the Board's concerns to help expedite the process. Ms. Cavalieri also stated that there should be no cost to the Agency for the acquisition; all fees should be taken care of in escrow. Mr. Foster stated that he would do all he could do get the answers to all of the concerns as quickly as possible. Director's Moore, Swift, Hamann, and Brown all expressed the importance of the protection of the land and the watershed. Director Hamann reiterated that the Agency needs to know if our staff time can be reimbursed by the grant and the importance of answering all of the concerns as a responsibility to our customers. Director Brown suggested that the Board work on a policy to address items such as this in the future. Mr. Foster and Ms. Cavalieri answered question of the Board for clarification and thanked them for their consideration.

**MOTION:** It was moved Director Hamann, and seconded by Director Brown and carried with a 4 -1 vote that the Board direct staff to negotiate a purchase agreement to acquire the 30 acre parcel for the watershed protection project and to hold title until such time that Amador County Recreation Agency can take title subject to the conditions developed by staff and subject to verification that the grant fund can reimburse the Agency costs.

Ayes: Directors Terence W. Moore, John P. Swift, Heinz Hamann, and Dan Brown

Noes: Director David S. Thomas

Abstain:

Absent:

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Manager Abercrombie stated that conditions, costs and other aspects of the negotiation will be brought back to the Board for direction prior to close of escrow.

President Moore asked that Manager Abercrombie add this policy of acquiring land for watershed protection to Strategic planning for the future.

**Return to Item 6.B.1-Wicklow Way Subdivision -Approval of SB 610 Water Supply Assessment for Wicklow Way Subdivision-** Manager Mancebo explained the requirements of the Senate bill; and stated that the bill addresses the need to do water supply assessments. This assessment has been completed for the Wicklow Way project and addresses the supply and demand conditions. Manager Mancebo reviewed the project with the Board in detail. Manager Abercrombie pointed out to the Board that one of the requirements of new development will be the use of reclaimed water where possible. Director Hamann asked if the lone Canal water use was calculated with the total demands. If it is not, he would like it to be included in the assessment. Manager Mancebo stated he thought that lone was included but could not say for sure, but would find from the author, Gwyn-Mohr Tully, who could not make this meeting. The Board asked several questions for clarification of the demands on our total water rights. Director Moore expressed concerns for commitment to water so early in a project. Counsel Kronick stated that the commitment for water to the project occurs after the County approval and not during the water assessment period. Director Hamann stated he has concerns about how the process affects the long term demand. Counsel Kronick stated that this assessment is for the current time, the developers will still need to go through the request for water process and will be issued a will serve at that time. Director Moore asked if the Plymouth water needs have been considered in this assessment with regards to the development in that area and the future demands for water. Manager Mancebo referenced the assessment and showed that they have been considered. Director Hamann restated that he wants the lone Canal demands be addressed if they have not been. Manager Abercrombie stated that he feels that all of the losses in the canals have been considered in the assessment but will confirm this with Gwyn Moor Tully. Counsel Kronick asked Susan Larson if the concerns could be addressed and brought back to the Board at the October 3, 2007 meeting. Susan Larson representing Lemke Construction addressed the Board and stated that she will address the concerns with Gwyn-Moor Tully and clarification will be given to the Board as soon as possible. She also took the opportunity to express her appreciation to the Amador Water Agency staff for their professionalism and that they are a pleasure to working with. This item has been continued to the October 3, 2007 Special Board Meeting.

**RECESS** was called at 10:40 A.M. **SESSION RESUMED** at 10:55 A.M.

Manager Abercrombie briefed the Board on the Water Bond 2008, stating that the bond measure is important to preserving water resources for the County. He stated he had three specific items to comment on and forward on to the legislators today.

It was moved by Director Hamann and seconded by Director Thomas and unanimously carried with direction to staff to send letters of support with key concepts to the legislators.

**COMMITTEE MEETING REPORTS**

**Water-reuse symposium** – E & P Manager Mancebo briefed the Board on the symposium he recently attended in Florida. He stated that he attended 30 different sessions in 3 days and was very impressed with the content of the symposium. He shared many of the session topics with the Board and offered to give copies of several handouts he received at each session.

**Joint Water Committee-** Director Swift stated that the Carbondale project is a big topic, and the County has a committee for this project also. He gave brief updates on the agenda items discussed at the previous meeting.

**Amador Dry Creek Watershed Council Meeting-** Director Hamann stated that the Council is collaborating with several other entities to complete an assessment of the watersheds and is in the process of applying for a grant from the Sierra Nevada Conservancy.

**CAMRA-** Director Brown reported wastewater issues will not be a part of CAMRA’s scope. The County has not been participating regularly in CAMRA.

**STATE LEGISLATIVE REPORT**

Counsel Kronick updated the Board on the various items in Legislation; he stated that many are now in the Governor’s Office and most are expected to pass.

**GENERAL MANAGER’S MONTHLY REPORT-** Manager Abercrombie reported on various issues on which he has been working. He focused on areas concerning safety, fiscal responsibility, community leadership efforts and infrastructure matters. The Board asked questions for information and clarification.

**BOARD OF DIRECTORS REPORTS-** The Board gave brief updates on the current issues occurring in each of their districts.

**FUTURE AGENDA TOPICS** – Sutter Creek Interim Capacity

**CLOSED SESSION** was called at 12:00 P.M.

Closed Session Items 13.D continued to Closed Session for October 3, 2007 at 11:00 a.m.

**OPEN SESSION** resumed at 12:40 with item 14 being continued to the October 11, 2007 Regular Board Meeting and direction given to staff.

**ADJOURNMENT** –President Moore adjourned the meeting at 12:45 P.M.

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Cris L. Thompson  
Clerk of the Board of Directors

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

