

**AMADOR WATER AGENCY
Board of Directors
Regular Meeting**

May 12, 2016

MINUTES

Directors Present: Robert Manassero, President
Gary Thomas, Vice President
Paul Molinelli
Richard Farrington
Art Toy

Directors Absent: None

Staff Present: Gene Mancebo, General Manager
Josh Horowitz, Agency Counsel
Cris Thompson, Assistant General Manager
Damon Wyckoff, Operations Manager

CALL TO ORDER- President Manassero called the meeting to order at 9:01 a.m.

ADDITIONS TO THE AGENDA – None

PUBLIC COMMENT:

Mr. David Evitt
Ms. Cathy Vanderford

CONSENT AGENDA ITEMS:

MOTION: It was moved by Director Thomas, seconded by Director Farrington, and unanimously carried to approve the consent agenda with corrections.

DEPARTMENT REPORTS (20:34- 31:42)

Administration/Finance
Operations

WATER AND WASTEWATER SYSTEMS (31:42- 1:27:37)

Water and Wastewater Participation Fees

Discussion and possible approval of Resolution 2016-07 Adopting New Water and

Wastewater Participation Fees to replace existing 2007 participation fee structure.
(Final report by The Reed Group dated 4/20/16 available for review at amadorwater.org)

Public Comment:

Mr. Julio Guerra, Pine Grove CSD Director
Ms. Carole Marz

MOTION: It was moved by Director Thomas, seconded by Director Toy and unanimously carried to approve Resolution No. 2016-07, Adopting Treated And Untreated Water And Wastewater Participation Fees to replace existing 2007 participation fee structure.

RECESS was called at 10:27 a.m. **SESSION** resumed at 10:45

WATER SYSTEMS (1:27:38- 1:31:15)

Urban Water Management Plan Update

Presentation of the Draft Updated 2015 Urban Water Management Plan by RMC, Water and Environment

Public Hearing regarding the Draft Updated 2015 Urban Water Management Plan
President Manassero declared the public hearing open at 10:44 a.m.

Public Comment:

Ms. Cecily Smith, Foothill Conservancy

MOTION: It was moved by Director Farrington, seconded by Director Thomas to continue the hearing to June 16, 2016 - 9:00 a.m. or as soon thereafter as may be heard

Long Term Water Needs Study (1:32:13- 2:19:24)

Presentation by RMC Water and Environment regarding the Long Term Water Needs Study by Dave Richardson

Public Comment:

Ms. Cecily Smith, Foothill Conservancy

Small Diameter Pipeline Project (Agenda item 7.D was moved to follow 7.E)

Discussion regarding the process for eminent domain proceedings
This item was moved to after lunch recess

Water Code Sections 2.06, 2.07 and 2.08- Participation Fees (2:21:20- 2:45:00)

Discussion and direction to staff regarding possible amendments to Water Code

Sections 2.06, 2.07 and 2.08

Public Comment:

Mr. Ray Brusatori

MOTION: It was moved by Director Molinelli, seconded by Director Toy and carried to direct staff to prepare an Ordinance following the recommendation of the committee and to distribute the current and old Ordinance for review

Ayes: Directors Molinelli, Toy, Thomas, and Manassero

Noes: Directors Farrington

Absent

Abstain

RECESS was called at 12:07 p.m. SESSION resumed at 1:14 p.m.

Small Diameter Pipeline Project (2:45:00- 3:34:45)

Discussion regarding the process for eminent domain proceedings

Public Comment:

Mr. David Evitt

Ms. Carole Marz

Ms. Vickie Erhardt

AGENCY PROJECT UPDATES (3:35:04- 3:39:07)

AGENCY COUNSEL REPORT (3:39:15- 3:54:45)

Legislative Report

Consider approval to send letter of Opposition to Senate Bill 814

Other Legal Matters

MOTION: It was moved by Director Toy, seconded by Director Thomas, and unanimously carried to approve sending a letter of Opposition to Senate Bill 814

Public Comment:

Mr. David Evitt

COMMITTEE REPORTS (3:55:00- 4:00:00)

Budget and Finance Committee (04-28-16)

ACWA CONFERENCE REPORT

Not discussed - Rescheduled to May 26, 2016

FUTURE AGENDA TOPICS (4:00:37- 4:04:21)

CLOSED SESSION was called at 2:40 p.m.

- A.** Conference with legal counsel--anticipated litigation; Government Code Sections 54956.9(a) and (d)(2) and (3); significant exposure to litigation involving claims related to Sierra Mountain Construction Inc.'s performance of the AWA Gravity Supply Line Project.
- B.** Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) -- Existing Litigation -- Howard Jarvis Taxpayers Association, et al. v. Amador Water Agency, et al. (Amador Superior Court Case No. 16-CVC-09564/Third District Court of Appeal Case No. C081757).
- C.** Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) -- Existing Litigation -- In re Amador Water Agency, FPPC Case No. 15/1355.
- D.** Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) -- Pending Litigation- Amador Water Agency v. Lazy Creek Family Trust, et al. (Amador Superior Court Case No. 15-CV-9203).
- E.** Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) and (d)(4) - Anticipated Litigation - Initiation of Litigation: 6 Cases.
- F.** Conference with Labor Negotiators Pursuant to Government Code Section 54957.6 (Gene Mancebo, Karen Gish, Paul Molinelli, Robert Manassero)- AWA Employee Association and the Management Bargaining Unit.

OPEN SESSION resumed at 3:41p.m.

Small Diameter Pipeline Project

Discussion and possible action to authorize the General Manager to enter into a contract with Freeman, D'Aiuto, Pierce, Gurev, Keeling & Wolf to provide legal services for potential eminent domain proceedings associated with the Small Diameter Pipeline Project

MOTION

It was moved by Director Toy, seconded by Director Thomas and unanimously carried to authorize the General Manager to enter into a contract with Freeman, D'Aiuto, Pierce, Gurev, Keeling & Wolf to provide legal services for potential eminent domain proceedings associated with the Small Diameter Pipeline Project

ADJOURNMENT

President Manassero adjourned the meeting at 3:43 p.m.



Cris Thompson
Clerk of the Board of Directors

Approved: May 24, 2016