AMADOR WATER AGENCY
Board of Directors
Regular Meeting
12800 Ridge Road, Sutter Creek, CA 95685
April 14, 2016
9:00 a.m.
Website Address: www.amadorwater.org

Please Note:
Members of the public will have the opportunity to directly address the Agency Board of Directors concerning any item listed on the Agenda below before or during consideration of that item.
There is a three minute time limit per person.
In order to better accommodate members of the public, some Agenda items will be heard at a specified time or soon thereafter. Agenda items without specific times may be rearranged to accommodate the Board’s schedule.

1. CALL TO ORDER AND PLEDGE OF ALLEGIANCE

2. ADDITIONS TO AGENDA
   Items added to the agenda must be approved by the Board pursuant to Government Code Section 54954.2.

3. PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA
   A. Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of Amador Water Agency; however, any matter that requires action will be referred to Staff for a report and action at a subsequent Board meeting. Please note there is a three (3) minute time limit per person.

4. CONSENT AGENDA
   A. Items listed on the consent agenda (see attached) are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

5. DEPARTMENT REPORTS
   Staff Reports will be provided by Department Heads to update the Board of Directors on current activities within their areas of responsibility.
      A. Administration/Finance
      B. Operations

6. WATER AND WASTEWATER SYSTEMS
   A. Water and Wastewater Participation Fee Study
      1. Presentation of draft report by Bob Reed, of the Reed Group Inc.
         (Draft report available for review at amadorwater.org)
B. Ione Backwash Recycle Project
   1. Discussion and possible action to authorize the General Manager to execute Amendment number 1 to the contract between AWA and Peterson Brustad Inc. for an increased cost not to exceed $32,500 regarding construction services.

C. Community Development Block Grant (CDBG) Water Supply Rehabilitation Project
   1. Discussion and possible action to Certify that ECORP Consulting, Inc., (ECORP) with a proposal for $124,343.78 with a contingency of $46,914.55, a total of $171,258.33 is the highest ranked environmental consultant whose proposal complies with the requirements of the Community Development Block Grant (CDBG) for the Central Amador Water Project (CAWP) Pioneer Water Rehabilitation Project and authorize the General Manager to execute a contract between AWA and ECORP for the environmental work associated with the project and issue the Notice of Award and execute a contract for these services.

   2. Discussion and possible action to Certify that Bailey Civil Engineering (Bailey) with a proposal for $74,150.00 is the highest ranked engineering design consultant whose qualifications comply with the requirements of the Community Development Block Grant (CDBG) for the Central Amador Water Project (CAWP) Pioneer Water Rehabilitation Project authorize the General Manager to execute a contract between AWA and Bailey Civil Engineering for design work.

7. AGENCY GENERAL
   A. Water Code Amendments
      1. Introduction of Ordinance 2016-01, concerning amendments to the Water Code Section 5.01, and 5.16

   B. Administrative Policy Manual Amendments
      1. Discussion and possible Adoption of Resolution No. 2016-04 a resolution approving an addition to the Administrative Policy Manual section 3060.1- Unclaimed Check Policy

   C. Yorba Linda Water District Request for Amicus Letter
      1. Discussion and possible action to authorize General Manager and legal counsel to prepare and file an amicus letter in Ebinger v. Yorba Linda Water District, Orange County Superior Court Case No. 30-2016-00829548, supporting YLWD's rejection of a referendum petition purporting to challenge water rates duly adopted under Proposition 218.

8. AGENCY PROJECT UPDATES

9. AGENCY COUNSEL REPORT
   A. Legislative Report

   B. Other Legal Matters
10. COMMITTEE REPORTS
   A. Engineering Committee (04-05-16)

11. FUTURE AGENDA TOPICS
   A. This item is to provide the Board Members an opportunity to request items to be placed on future agendas.

12. CLOSED SESSION
   A. Conference with Legal Counsel Pursuant to Government Code Sections 54956.9(a) and (d)(1) - Pending Litigation- Kenneth Perano and Ken Berry v. Amador Water Agency (Amador Superior Court Case No. 12-CV-7718)

   B. 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.

   C. 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).

   D. 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.

   E. 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)

13. ADJOURNMENT
AMADOR WATER AGENCY
CONSENT AGENDA

April 14, 2016

Items listed on the consent agenda are considered routine and may be enacted by one motion. Any item may be removed for discussion and made a part of the regular agenda at the request of a Board member(s).

1. MINUTES
   A. Approval of minutes of the Regular Board Meeting of March 24, 2016

2. RESOLUTIONS
   A. Adoption of Resolution No. 2016-05- Authorizing the General Manager to Grant Right of Way Easements on behalf of the Amador Water Agency

In compliance with the Americans with Disabilities Act, if you are a disabled person and you need a disability-related modification or accommodation to participate in this meeting, then please contact Cris Thompson at (209) 223-3018 or (209) 257-5281 (fax). Requests must be made as early as possible, and at least two-full business days before the start of the meeting.

Documents and materials relating to an open session agenda item that are provided to the Amador Water Agency Board of Directors less than 72 hours prior to a regular meeting will be available for public inspection and copying at 12800 Ridge Rd, Sutter Creek CA 95685
AMADOR WATER AGENCY
Board of Directors
Regular Meeting
March 24, 2016
MINUTES

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

Staff Present: Gene Mancebo, General Manager
Connie Gagnebin, Acting Clerk of the Board

CALL TO ORDER- President Manassero called the meeting to order at 9:03 a.m.

ADDITIONS TO THE AGENDA – None

PUBLIC COMMENT: (1:05 - 8:27)
Lynn Morgan

CONSENT AGENDA ITEMS (8:29 - 9:29)

Director Farrington asked to pull 2.D. from the consent agenda and to be placed on the agenda immediately following consent agenda items

MOTION: It was moved by Director Farrington, seconded by Director Thomas, and unanimously carried to approve consent item 1.A the Regular Board Meeting Minutes of February 25, 2016, 1.B the Special Board Meeting Minutes of March 16, 2016, 2.A and 2.B Approval of Accounts Payable for January and February 2016, 2.C Authorization for the General Manager to execute a contract with Dunn Environmental Inc. to complete the semi-annual monitoring reports at Fairway Pines, Gayla Manor, Mace Meadows, Pine Grove and Wildwood Estates, as required per the Waste Discharge Requirements, and 2.E Authorization to General Manager to include Amador Water Agency as a signature to the draft letter to Governor Brown regarding awareness for the important role of biomass facilities

Ayes: Directors Manassero, Farrington, Thomas, and Molinelli
Noes: None
Absent: Director Toy
Abstain: None

CONSENT AGENDA ITEM 2.D. (9:30 – 19:52)
Authorization for the General Manager to prepare a letter of support for Mountain Counties Water Resources Association regarding implementation of Proposition 1 Disadvantage Community Involvement Program including the proposed fiscal sponsor, Sierra Business Council

It was moved by Director Farrington, seconded by Director Thomas, and unanimously carried to authorize the General Manager to prepare a letter of support for Mountain Counties Water Resources Association regarding implementation of Proposition 1 Disadvantage Community Involvement Program including the proposed fiscal sponsor, Sierra Business Council

Ayes: Directors Manassero, Farrington, Thomas, and Molinelli
Noes: None
Absent: Director Toy
Abstain: None

AGENCY GENERAL (20:02 – 40:33)
Personnel Matters
Discussion and possible action to authorize the General Manager to fill the vacant financial manager position

MOTION: It was moved by Director Molinelli, seconded by Director Thomas, and unanimously carried to authorize the General Manager to go through the process of filling the vacant financial manager position

Ayes: Directors Manassero, Farrington, Thomas, and Molinelli
Noes: None
Absent: Director Toy
Abstain: None

Amador County Fair 2016
Discussion and possible action regarding the Agency’s participation in the Amador County Fair July 28-31, 2016

It was moved by Director Molinelli, seconded by Director Thomas, and unanimously carried to approve the Agency’s participation in the Amador County Fair July 28-31, 2016

Ayes: Directors Manassero, Farrington, Thomas, and Molinelli
Noes: None
Absent: Director Toy
Abstain: None

WATER SYSTEMS (40:36 – 59:40)
Water Conservation Monitoring Status Report
Update regarding Water Conservation Efforts

Director Toy arrived at 9:53 a.m.

The Board instructed the General Manager to resubmit the Credit for Conservation Efforts letter to the State before the deadline - April 2016 timeframe

Reservoir Levels
Report on current reservoir levels

PROJECT UPDATES (59:48 – 1:40:21)

Public Comment:
Lynn Morgan

Manager’s Reports (1:40:39 - 2:00:33)
General discussion of various items in progress within each area of responsibility. This is for informational and communication purposes. Discussion only, no formal action will be taken. Any matter requiring action will be placed on an upcoming agenda for consideration

BOARD OF DIRECTOR DISTRICT REPORTS (2:00:35 – 2:07:02)

FUTURE AGENDA TOPICS (2:07:05 – 2:08:47)
Strategic Budgeting (Not a priority)

Recess called at 11:12 a.m. Open session resumed at 11:23 a.m.

CLOSED SESSION was called at 11:24 a.m.

Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) and (d)(1) – Existing Litigation – In re Amador Water Agency, FPPC Case No. 15/1355.

Conference with Legal Counsel Pursuant to Government Code Section 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).

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C. 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.

Closed Session ended at 12:42 p.m. with nothing to report

ADJOURNMENT
President Manassero adjourned the meeting at 12:42 p.m.

Cris Thompson
Clerk of the Board of Directors
Approved: __________________________
RESOLUTION NO. 2016-05
OF THE BOARD OF DIRECTORS OF THE AMADOR WATER AGENCY
AUTHORIZING THE GENERAL MANAGER TO GRANT RIGHT OF WAY
EASEMENTS ON BEHALF OF THE AMADOR WATER AGENCY

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Amador Water Agency hereby authorizes the General Manager to execute Right of Way Easements over lands owned by the Amador Water Agency and consent to recordation of such easements pursuant to execution by the General Manager.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a regular meeting held on this 14th day of April 2016 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

Signed and approved by me after its passage this 14th day of April, 2016

Robert Manassero, President  
Board of Directors

ATTEST:

Cris L. Thompson  
Clerk of the Board of Directors
ADMINISTRATION DEPARTMENT REPORT

Customer Service/Human Resources:

- The 2015/2016 (7/1/15-6/30/16) Safety Statistics for Agency staff are:
  - Lost time worker’s comp incident: 1 (date of last incident: 4/30/15)
  - Other Worker Comp incident: 3 (date of last incident: 3/8/16)
  - First Aid incident: 1 (date of last incident: 10/2/2015)
  - Avoidable vehicle accident: 0
  - Unavoidable vehicle accident: 0
- Training in February and March: Bates and Hess: Trenching & Shoring
- Certifications/Renewals in February and March: Tamantini-T2 and D3; Goshorn-CWEA; Brewster-CWEA;
- Staffing: None
- Liens filed in February and March: Filed: 16-$32,516.49; Released: 5-$1,366.20
- Springbrook: Inventory and Work Order modules are currently being worked on. Continue to work on report options and shut off processes.

Conservation efforts this month:

Water waste reports from the website this month: 3
Customers contacted: 4
Conservation devices handed out: 2

Finance/Accounting: This month we are providing the following information:

Water Sales Revenues through the month of March are $5,020,426 - 9% under budget
Wastewater Sales Revenues through the month of March $981,879 - 3% under budget
Cash continues to be monitored daily, total cash balances at March 31, 2016 were $3,180,073
Year to date Operating and Non-Operating Expenses exceeded Revenues by $401,812
Debt service Payments: $144,040- and Total Project Expenses $575,521
Outstanding grant reimbursements requested- not yet received at March 31, 2016- $1,456,985
Unrestricted Cash totals: $668,851
Restricted Cash totals: $2,511,883

Prepared by: Karen Gish – HR / Office Manager
Cris Thompson – Assistant General Manager
Operations Report

Covering March 1st – March 31st, 2016

Operations Manager:
2. Requested an extension from the Central Valley Regional Board to allow us to continue our dosing of Aluminum chlorohydrate at the Buckhorn WTP to minimize Disinfection By-Product formation and enhance conservation. Request was denied.
3. Attended a grant application workshop for our Hazard Mitigation Application program application. This grant will allow us to replace redwood tanks and floating covers with fire resistant materials.
4. Participated in the selection process for environmental and engineering design consultants for our Community Development Block Grant project.
5. Accompanied security companies to remote sites in order for them to be able to provide the Agency quotes for security cameras.
6. Continued to work to provide the Agency with cost-effective fleet and equipment replacement opportunities to consider.

Admin Assist III:
1. Completed Annual Reports for all water systems.
2. Compiling and sending data to RMC for the Urban Water Management Plan, Long Term Needs Study.
4. Worked with Springbrook consultant on work orders, fleet and equipment entries.
5. Trained meter reader on CMMS reporting functions for fleet.
6. Took the Distribution 2 State Certification exam.
7. Working with group to update our Red Emergency Contact binders.

Water Treatment Plants:
1. Ione Backwash Recycling Plant is operational. We recycled 93% or 1,255,000 gallons of backwash water back into the headworks of the plant for the month of March.
2. Operators have been working with ATEEM and Electrical department to complete communications and programming on the Gravity Supply Line. They've also had to do extensive repairs inside the vault that houses the vacuum chamber and valves which create a siphon in the pipe.
3. High filter turbidities have been plaguing the Ione WTP and operators have increased the polymer dose and backwash frequencies in order to lower these turbidities.

Wastewater:
1. Working on discovering and correcting inflow and infiltration issues in all systems.
2. Continuing to monitor irrigation at the Mace Meadows Golf Course.
3. Installed new irrigation lateral at Camanche WWTP.
4. Sprayed, mowed, weed-eated and removed downed trees at all systems.
Engineering
1. Preston Castle: Inspection
2. Tanner Hydroelectric: PG&E coordination, re-design inspection and construction management.
3. Ione WTP Backwash: Operation and Maintenance submittals, demonstration testing, contract amendment backup and punch list.
6. Community Development Block Gant: Environmental and engineering consultant selection, grant funding opportunities.
7. UMRWA Grants: Final reports, grant reimbursement requests.

Electrical:
1. Gravity Supply Line repairs and support
2. Camanche Well 9 flow meter failed. Parts on order.
4. Replaced fan on computer workstation
5. Dickson PSI Software configured on work station
6. Document review of Ione Backwash project.

Construction:
1. Assisted with the Preston Castle tie in on an 18" water main.
2. Worked on relocating water main off of Bunker Hill Bridge. Hot tapped 12" Plymouth line and installed a pressure reducing valve to tie into existing Drytown line.
3. Helped First Mace Meadows with a leak on a 4" main.
4. Helped Rabb Park repair a main break on a 4" main.
5. Leak repair on Alpine Drive due to county road sloughing off. Replaced service line. (50gpm)
6. Leak repair at 675 Glenbrook. Replaced service line. (1gpm)

Distribution:
1. Service line leak repairs:
   a. Alpine Dr. (CAWP) (50 gpm)
   b. River Pines (50 gpm)
   c. Sugar Pine Dr. (CAWP) (5gpm)
   d. Glenbrook Dr. (1 gpm)
2. Pump repair at Preston Pump Station
3. Replaced air compressor at Pine Needle Pump Station
4. Replaced sight tube at Mason Pump Station
5. Rebuilt pressure reducing valve at Red Corral (CAWP)
6. Installed new bypass meter at Mule Creek State Prison
7. Installed new valve extension on fire hydrant #404 on Sugar Pine Drive (CAWP)
8. Installed new check valve on CAWP Storage tank
9. Cleaned and inspected Sunset heights Storage Tank
10. Cleaned and inspected Madrone Storage Tank.

Canal:
1. Berm Leak Repairs:
   a. Mile Marker 3.50 (20 gpm)
   b. Mile Marker 5.75 (40 gpm)
   c. Mile Marker 6.00 (10 gpm)
2. Downed Tree Removal:
   a. Mile Marker 8.25
   b. Mile Marker 4.00
   c. Mile Marker 8.00

Prepared by: Damon Wyckoff, Operations Manager
STAFF REPORT

Participation Fee Study
Presentation by The Reed Group

Requested Action:
Direction to incorporate revisions, if any, following the presentation by Mr. Bob Reed and return the final report for consideration and adoption of proposed participation fees at a future Board meeting.

Background:
Participation fees should be reviewed periodically to adjust for current system needs or completed projects. Recently, the Water Agency completed Gravity Supply Line project which is not accounted for in the current participation fee schedule. The Water Agency was planning to construct a large regional water treatment plant that would service the City of Jackson, Sutter Creek, Amador City, Plymouth, and surrounding areas. The economic downturn has delayed that project and instead, the Water Agency is considering interim expansion projects. In addition to the need to update the water participation fees, wastewater participation fees also need to be reviewed and adjusted based on current information. The recommendation from staff and our consultant is that the Agency utilize one participation fee structure for water and one for wastewater and that the buy-in methodology be utilized for both.

This agenda it is intended to introduce the 2016 Water and Wastewater Participation Fee Study draft report and answer any questions the Board or public may have. Staff anticipates incorporating revisions from this discussion and bring back a final report for Board adoption at a future meeting.

Fiscal Impact:
There is minimal fiscal impact anticipated associated with the direction to incorporate revisions.

Reviewed by Committee:
No. The Board President concurred that the full Board should participate in the draft study review and presentation by Mr. Reed.
Recommendation:
Direction to incorporate revisions, if any, following the presentation by Mr. Bob Reed and return the final report for consideration and adoption of participation fees at a future Board meeting.

Prepared by: Gene Mancebo, General Manager
STAFF REPORT

lone Backwash Recycle Project

Requested Action:
Direction to General Manager to execute Amendment 1 to the agreement with Peterson Brustad Inc. for the lone WTP Backwash Recovery Project with an increased cost not to exceed $32,500.

Background:
As we discussed recently, a construction change order has increased the total project cost to $1,236,835 excluding staff time. During approval of that construction change order I noted another added cost of outside engineering support which I estimated at about $31,000. This agenda item is regarding that additional engineering support during construction.

Last year prior to construction start, the Agency received a proposal of $130,751 from Peterson Brustad, Inc. (PBI) for engineering services during construction. This work included submittal review, information requests, change order reviews, inspection, and associated work. Given the construction bids were much greater than anticipated, staff looked to cut costs wherever possible and rejected PBI's proposal for engineering services. The Agency requested a revised proposal to minimize cost and utilize Agency staff to the greatest degree possible. The revised proposal was for $30,955 and placed limitations on the number of submittals and other work that would be performed under this agreement. The Water Agency approved an agreement with PBI on July 20, 2015 for engineering services during construction for a cost not to exceed $30,955.

Towards the end of construction, there was a need for greater inspection of the electrical/instrumentation contractor, MCC which was one of the sub-contractors on the GSL. The agreement with BPI assumed up to 15 Requests for Information and they received more than 35 and it assumed 50 submittal reviews and received 55. Currently, BPI has expended $28,797 over the original construction services and expects to spend no more than $3,500 for any remaining work. The majority of this extra work is associated with the electrical/instrumentation inspection. Given the above and the need for this work, it is staff's recommendation to approve the amendment with an extra cost not to exceed $32,500.

The Engineering and Planning Committee reviewed this matter and agreed with the recommendation.
**Fiscal Impact:**
Up to $32,500

**Reviewed by Committee:**
Yes, Engineering & Planning Committee reviewed this item on April 5, 2016 and concurs with the recommendation.

**Recommendation:**
Direct the General Manager to execute Amendment 1 to the agreement with Peterson Brustad Inc. an increased cost not to exceed $32,500.

Prepared by:   Gene Mancebo, General Manager
STAFF REPORT

CDBG CAWP Pioneer Water Rehabilitation Project

Requested Action:

Certify that ECORP Consulting, Inc.'s, (ECORP) proposal for Phases 1 and 2 of the project at $124,343.78 with a contingency of $46,914.55, a total of $171,258.33, is the highest ranked environmental consultant whose proposal complies with the requirements of the Community Development Block Grant (CDBG) for the Central Amador Water Project (CAWP) Pioneer Water Rehabilitation Project and authorize the General Manager to issue the Notice of Award and execute a contract for these services. All contingency items are only to be authorized with written approval by Damon Wyckoff, AWA Operations Manager.

Background:

This project received a CDBG grant, administered by Amador County for $1,420,000. A Request for Proposals (RFP) for environmental consulting services for the CDBG CAWP Pioneer Water Rehabilitation Project was issued and noticed by AWA on January 01, 2016. On January 12, 2016, four (4) proposals were received ranging in price from $171,258 to $804,793. Interviews were conducted on March 24, 2016 with all four consultants. Proposals and interviews were reviewed and scored by Staff in thirty five categories, with ECORP receiving the highest overall score. A summary of the scoring and costs are attached.

Fiscal Impact:

Approximately $171,258.33

Reviewed by Committee:

No

Recommendation:

Certify that ECORP with a proposal for $171,258.33 is the highest ranked environmental consultant whose proposal complies with the requirements of the CDBG for the CAWP Pioneer Water Rehabilitation Project and authorize the General Manager to issue the Notice of Award and execute a contract for these services.

Prepared by:       Damon Wyckoff, Operations Manager
STAFF REPORT

CDBG CAWP Pioneer Water Rehabilitation Project

Requested Action:

Certify that Bailey Civil Engineering (Bailey) with a proposal for $74,150.00 is the highest ranked engineering design consultant whose qualifications comply with the requirements of the Community Development Block Grant (CDBG) for the Central Amador Water Project (CAWP) Pioneer Water Rehabilitation Project and authorize the General Manager to issue the Notice of Award and execute a contract for these services.

Background:

This project received a CDBG grant, administered by Amador County for $1,420,000. A Request for Qualifications (RFQ) for engineering design consulting services for the CDBG CAWP Pioneer Water Rehabilitation Project was issued and noticed by AWA on January 01, 2016. On January 12, 2016, three (3) qualification packages were received. Interviews were conducted March 28-30, 2016 with all three consultants. Qualifications and interviews were reviewed and scored by Staff in twenty-seven categories, with Bailey receiving the highest overall score. The Bailey cost proposal and a summary of the scoring is attached.

Fiscal Impact:

Approximately $74,150.00.

Reviewed by Committee:

No

Recommendation:

Certify that Bailey with a proposal for $74,150.00 is the highest ranked engineering design consultant whose qualifications comply with the requirements of the CDBG CAWP Pioneer Water Rehabilitation Project and authorize the General Manager to issue the Notice of Award and execute a contract for these services.

Prepared by: Brandt Cook, Project Manager

Reviewed by: Damon Wyckoff, Field Services Manager
STAFF REPORT

Water Code Amendment to Establish a Code Enforcement Program

**Requested Action:**
Discussion and possible introduction of Ordinance 2016-01, concerning amendments to the Water Code Section 5.01 and 5.16

**Background:**
During the past few years of severe drought the Agency has had several discussions regarding penalties and fees related to enforcement of mandatory conservation as well as other issues of violation of the Agency Water Code. The Agency's customers have positively responded to the mandatory conservation requirements and helped the Agency meet the required conservation percentages. Overall the Agency has not had difficulty with repeat water waste offenders, however it came to the Board and staff's attention that the Agency Water Code currently does not contain provisions to allow the Agency to issue administrative citations and collect related fines to enforce any violations of the Water Code. The matter was sent to the policy committee to review and make a recommendation. Agency Counsel has reviewed and provided the language in the attached ordinance for your consideration. It is the recommendation of staff and the committee that the Board concur with the recommendation. The Board may introduce the Ordinance and waive the reading by motion.

**Alternatives:**
Suggest revisions to the draft code enforcement

**Fiscal Impact:**
There will be no negative fiscal impact to the Agency

**Reviewed by Committee:**
Yes, the policy committee reviewed this February 18, 2016 and recommends proceeding with the process to adopt the Ordinance.
Recommendation: Board action to introduce Ordinance 2016-01

Prepared by: Cris Thompson, Assistant General Manager
ORDINANCE NO. 2016-01

AN ORDINANCE OF THE BOARD OF DIRECTORS OF THE AMADOR WATER AGENCY ESTABLISHING A CODE ENFORCEMENT PROGRAM

Be it ordained by the Board of Directors of the Amador Water Agency as follows:

SECTION ONE. PURPOSE AND AUTHORITY. The purpose of this ordinance is to amend the Amador Water Agency Water Code to establish an administrative citation program as an alternative means to enforce code violations. This ordinance is adopted pursuant to Government Code section 53069.4 and other applicable law.

SECTION TWO. ARTICLE 5 ADDED. Article 5, consisting of sections 5.01 to 5.16, concerning administrative citation policy and procedures, is hereby added to the Amador Water Agency Water Code to read as shown on Exhibit A, attached hereto and incorporated herein.

SECTION THREE. EFFECTIVE DATE. This ordinance shall take effect 30 days after its final passage.

SECTION FOUR. PUBLICATION. The Clerk of the Board of Directors is directed to publish this Ordinance once with the names of the members voting for and against the Ordinance, in a newspaper published in the Agency within 15 days after the adoption of this Ordinance. The Ordinance shall be published without Exhibit A, the Amador Water Agency Water Code, and Exhibit B, Article 4, concerning administrative citation policy and procedures. Complete copies of each exhibit are available for public inspection and copying at the Agency's office in accordance with the California Public Records Act. (Government Code sections 6250 through 6276.48).

INTRODUCED by the Board of Directors of the Amador Water Agency on the 14th of April, 2016.

PASSED AND ADOPTED by the Board of Directors of the Amador Water Agency on the ___ day of ________, 2016, by the following vote:

AYES:  
NOES: 
ABSTAIN: 
ABSENT: 

Attest:  

President, Board of Directors 

Clerk of the Board of Directors
EXHIBIT A

Article 5.00

ADMINISTRATIVE CITATIONS

Sections:

Section 5.01 Definitions.
Section 5.02 Applicability.
Section 5.03 Preliminary Notice Procedures for Continuing Violations.
Section 5.04 Administrative Citation.
Section 5.05 Amount of Fines.
Section 5.06 Payment of the Fine.
Section 5.07 Request for Administrative Hearing.
Section 5.08 Advance Deposit Hardship Waiver.
Section 5.09 Hearing Officers.
Section 5.10 Administrative Hearing Procedure.
Section 5.11 Hearing Officer’s Decision.
Section 5.12 Appeal of Hearing Officer’s Decision
Section 5.13 Right to Judicial Review.
Section 5.14 Late Payment Charges and Interest.
Section 5.15 Collection of Fines, Late Charges, Interest and Costs.
Section 5.16 Notices

Section 5.01 Definitions. The following definitions apply to this article:

(a) “Cited Person” means a person who violates the Code or who is otherwise responsible for a Code violation and who is named in an administrative citation issued and served pursuant to this article.


(c) “Continuing Code Violation” means a violation of the Code of the type described at section 5.03(a).
Section 5.02  **Applicability.** This article provides for the issuance of administrative citations and collection of related fines to enforce any violation of this Code, as a remedy in addition to all other criminal and civil remedies which may be pursued by the Agency. Use of this article shall be at the sole discretion of the Agency.

Section 5.03  **Preliminary Notice Procedures for Continuing Violations.**

(a) In addition to the other provisions of this article, continuing violations of this Code that do not create an immediate danger to health or safety (a “Continuing Code Violation”), shall be subject to the procedures set forth in this section.

(b) Whenever the Agency determines that a Continuing Code Violation is occurring or exists, Agency Staff may issue and serve a written compliance order to any person responsible for the violation.

1. The compliance order shall state that the person responsible for the Continuing Code Violation has 30 days from the date of the compliance order, or such additional time as the Agency’s General Manager determines is reasonably necessary, to correct or otherwise remedy the violation.

2. A compliance order issued pursuant to this section shall contain the following information:

   i. The location of the violation;

   ii. The section(s) of this Code violated and a description of the violation;

   iii. The action(s) required to correct the violation;

   iv. The deadline to correct the violation, which also shall be the date after which an administrative citation may be issued and administrative penalties begin to accrue if compliance with the order has not been achieved; and
v. The amount of the applicable administrative citation fine in the event the violation is not timely corrected and a citation is issued.

3. In cases where the violation involves real property, a copy of the compliance order also shall be served on the owner of the subject real property, if the owner is different from the person who committed the violation or who is otherwise responsible for the violation.

4. If Agency Staff determines that all Continuing Code Violations have been corrected within the time specified in the compliance order, no further action shall be taken under this article.

5. If full compliance is not achieved within the period specified in the compliance order, then Agency Staff may then issue an administrative citation pursuant to section 5.04.

6. No administrative citation shall be issued by the Agency for a Continuing Code Violation subject to this section until after there is continued non-compliance beyond the deadline stated in a compliance order issued under this section.

Section 5.04 Administrative Citation.

(a) When the General Manager determines that a violation of this Code has occurred, or that a Continuing Code Violation continues after the deadline set forth in a compliance order issued pursuant to section 5.03, Agency Staff may issue and serve an administrative citation to any person who committed the violation or who is otherwise responsible for the violation.

(b) In cases where the violation involves real property, a copy of the administrative citation also shall be served on the owner of the subject real property, if the owner is different from the person who committed the violation or who is otherwise responsible for the violation.
(c) Each administrative citation shall contain the following information:

1. The date(s) of the violation (for Continuing Code Violations, the date of the expiration of the time period to remedy the violation);

2. The name of the person who violated the Code or who is otherwise responsible for the Code violation;

3. The address or a definite description of the location where the violation occurred;

4. The section(s) of this Code violated and a description of the violation;

5. The amount of the fine for the Code violation;

6. A description of the fine payment process, including a description of the time within which and the place at which the fine shall be paid;

7. An order prohibiting the continuation or repeated occurrence of the Code violation described in the administrative citation;

8. A statement of the increased fines for additional citations issued for the same violation within the following year;

9. A description of the administrative citation hearing process, including the time within which the administrative citation may be contested and the place from which the cited person may obtain a form to request a hearing to contest the administrative citation;

10. A statement that delinquent fines for a violation pertaining to real property may become a lien against that property; and

11. The name and signature of the citing staff member.
Whenever the Cited Person is a person under the age of 18, the citing staff member shall provide copies of all notices and orders specified in this article to the parent(s) and/or legal guardian(s) of the Cited Person. Any fine levied pursuant to this article may be levied against the juvenile and the parent(s) and/or legal guardian(s) of the juvenile, and the juvenile and parent(s)/legal guardian(s) shall be jointly and severally liable for the fine and related costs. The parent(s) and/or legal guardian(s) shall have the right to a hearing and judicial review as set forth in this article.

Section 5.05  Amount of Fines.

(a) Code violations that would otherwise be infractions shall be subject to the following fines:

1. $_____ (up to $100) for a first violation;

2. $_____ (up to $200) for a second violation of the same Code provision within one year; and

3. $_____ ($ up to $500) for each additional violation of the same Code provision that occurs within one year of the first violation.

(b) Code violations that are declared to be misdemeanors, such as theft of utility services under Penal Code section 498, shall be subject to $_____ (up to $1000) fine in addition to any other available remedy.

(c) For purposes of determining the amount of fines imposed for administrative citations issued under this article, a separate violation occurs on each and every day during any portion of which a violation of any provision of this Code is committed, permitted or allowed to continue.

Section 5.06  Payment of the Fine.

(a) The fine shall be paid by the Cited Person to the Agency at the Agency’s office within 30 days from the date of the administrative citation.
(b) Any administrative citation fine paid pursuant to section 5.06(a) shall be refunded in accordance with section 5.11(d) if it is determined, after a hearing, that the Cited Person charged in the administrative citation was not responsible for the violation or that there was no violation as charged in the administrative citation.

(c) Payment of a fine under this article shall not excuse or discharge any continuation or repeated occurrence of the Code violation that is the subject of the administrative citation.

Section 5.07 Request for Administrative Hearing.

(a) Any Cited Person may contest that there was a violation of the Code or that he or she was the responsible party by completing a request-for-hearing form and returning it to the Agency's office within 30 days from the date of the administrative citation. Any Cited Person who requests an administrative hearing to contest an administrative citation must submit with the request-for-hearing form either an advance deposit of the fine stated in the administrative citation or a request for an advance deposit hardship waiver in accordance with section 5.08. A request-for-hearing form shall be made available at and may be obtained from the Agency's office.

(b) The Cited Person requesting an administrative hearing shall be notified of the time and place set for the hearing at least 10 days prior to the date of the hearing.

Section 5.08 Advance Deposit Hardship Waiver.

(a) Any Cited Person who intends to request an administrative hearing under section 5.07, and who is financially unable to make the advance deposit of the fine as required by section 5.07 (a), may file a request for an advance deposit hardship waiver. The request shall be filed with the Agency on an application form provided by the Agency on or before submitting the request-for-hearing form. The request shall be reviewed, and approved or disapproved by the General Manager. The requirement of depositing the full amount of the fine under section 5.07(a) shall be stayed until the General Manager makes a determination not to issue the advance deposit
hardship waiver.

(b) The General Manager may waive the requirement of an advance deposit set forth in section 5.07(a) and issue the advance deposit hardship waiver only if the Cited Person submits to the General Manager a sworn declaration or affidavit, together with any supporting documents or materials, demonstrating to the satisfaction of the General Manager the person's actual financial inability to deposit with the Agency the full amount of the fine in advance of the administrative hearing.

(c) The General Manager shall issue a written determination listing the reasons for his or her decision to issue or not issue the advance deposit hardship waiver. The written determination of the General Manager shall be final. The written determination of the General Manager shall be served upon the person who applied for the advance deposit hardship waiver.

(d) If the General Manager decides not to issue an advance deposit hardship waiver, the Cited Person shall remit the deposit to the Agency within ten days after the date of that decision or 30 days from the date of the administrative citation, whichever is later.

Section 5.09 Hearing Officers.

(a) Administrative review of administrative citations shall be conducted by a hearing officer. An administrative citation hearing officer shall be appointed by the Agency Board of Directors and shall serve at the pleasure of the Board.

(b) The Board of Directors may by resolution provide for compensation of the administrative citation hearing officer; provided, however, that the employment, performance evaluation, compensation or benefits of the officer shall not be directly or indirectly conditioned upon the amount of administrative citation fines upheld by the officer.

Section 5.10 Administrative Hearing Procedure.

(a) No administrative hearing to contest an administrative citation
shall be held unless the fine has been deposited in advance in accordance with section 5.07(a) or an advance deposit hardship waiver has been issued by the General Manager in accordance with section 5.08.

(b) The administrative hearing before the hearing officer shall be conducted not less than 15 days and not more than 90 days from the date that the request for hearing is filed in accordance with this article.

(c) At the administrative hearing, the Cited Person and Agency Staff shall be given the opportunity to testify, to present evidence concerning the administrative citation and the related Code violation, and to cross-examine witnesses.

(d) The failure of any Cited Person to timely request an administrative hearing and appear at the hearing shall constitute a forfeiture of the fine and a failure to exhaust administrative remedies.

(e) The administrative citation and any additional report submitted by the citing staff member shall constitute prima facie evidence of the respective facts contained in those documents.

(f) The administrative citation hearing officer may continue the hearing and request additional information from the citing staff member or the recipient of the administrative citation prior to issuing a written decision.

Section 5.11 **Hearing Officer’s Decision.**

(a) After considering all of the testimony and evidence submitted at the administrative hearing, the hearing officer shall issue a written decision upholding or cancelling the administrative citation, including a brief explanation of the reason or reasons for the decision. The Cited Person shall be served with the hearing officer's written decision.

(b) In cases where the violation involves real property, a copy of the administrative hearing decision also shall be served on the
owner of the subject real property, if the owner is different from the person who committed the violation or who is otherwise responsible for the violation.

(c) If the hearing officer upholds the administrative citation, then the fine amount on deposit with the Agency shall be retained by the Agency. If the hearing officer upholds the administrative citation and, pursuant to an advance deposit hardship waiver, the fine has not been deposited, the hearing officer shall set forth in the written determination a payment schedule for the fine.

(d) If the hearing officer cancels the administrative citation and the fine was deposited with the Agency, then the Agency shall refund promptly to the Cited Person the amount of the deposited fine.

[Section 5.12 Appeal of Hearing Officer’s Decision.

(a) A Cited Person who receives an adverse decision under section 5.11 may appeal the hearing officer’s decision for review by the Agency Board of Directors by filing with the General Manager within 10 days of the service of such decision a written notice of appeal containing the challenged citation and the reason(s) for the appeal, together with any material facts supporting the contentions of the Cited Person.

(b) As soon as practical after receiving the written appeal, the General Manager shall set a date for hearing of the appeal by the Agency Board of Directors, which date shall not be less than seven days nor more than 35 days from the date the appeal was filed. The General Manager shall notify the Cited Person of the time and place of the hearing at least five days before the date of the hearing.

(c) The Cited Person shall be responsible for paying an appeal fee prior to the date of the hearing in an amount established from time to time by the Agency Board of Directors.

(d) The Agency Board of Directors shall review and consider the evidence before and decision of the hearing officer and receive
and consider arguments and new information, if any, from the Cited Person. Upon conclusion of the appeal hearing, the Agency Board of Directors by resolution shall do one of the following:

1. Terminate the proceeding and dismiss the citation;
2. Confirm the decision of the hearing officer; or
3. Modify the decision of the hearing officer.

(e) The decision of the Agency Board of Directors shall be final and conclusive. The General Manager shall serve a copy of the Board’s resolution on the Cited Person that a brief explanation of the reason or reasons for the decision.

(f) If the Agency Board of Directors upholds the administrative citation, then the fine amount on deposit with the Agency shall be retained by the Agency. If the Agency Board of Directors upholds the administrative citation and, pursuant to an advance deposit hardship waiver, the fine has not been deposited, the Agency Board of Directors shall set forth in its resolution a payment schedule for the fine. If the Agency Board of Directors modifies the administrative citation, then the fine shall be due and payable as provided in the Board’s resolution. If the Agency Board of Directors cancels the administrative citation and the fine was deposited with the Agency, then the Agency shall refund promptly to the Cited Person the amount of the deposited fine.

Section 5.13 Right to Judicial Review. Any Cited Person aggrieved by a hearing officer’s administrative decision on an administrative citation may seek judicial review of the administrative decision by filing a notice of appeal within 20 days after service of the hearing officer’s decision with the Amador County Superior Court in accordance with Government Code section 53069.4. If no notice of appeal is timely filed, then the hearing officer’s decision shall be deemed confirmed.

Section 5.14 Late Payment Charges and Interest. Any Cited Person who fails to pay to the Agency any fine imposed pursuant to this article on or before the date that the fine is due also shall be liable for the payment of penalties and interest consistent with the provisions in Schedule UN-3(a) of the Water Service Rates and Charges.
Section 5.15 **Collection of Fines, Late Charges, Interest and Costs.**

(a) The Agency may collect any past due administrative citation fines and applicable late payment penalties and interest by use of all available legal means. The Agency also may recover its costs incurred in securing payment of these amounts, which costs shall include, but are not limited to, administrative costs, attorney fees and litigation expenses.

(b) The Agency may seek collection of delinquent fines, late payment penalties, interest and costs as a personal obligation of the Cited Person.

(c) In cases where the violation relates to the use of real property, the Agency may record a lien against the subject real property to secure the payment of administrative citation fines, late payment penalties, interest and costs. A lien created by the Agency pursuant to this section shall remain in effect until all of the fines, late payment penalties, interest and costs are paid in full.

1. Prior to recording any lien, the General Manager shall prepare and file with the Agency Board of Directors a report stating the amounts due and owing. The Agency shall fix a time, date and place for the Agency Board to hear and consider the report and any protests or objections to it.

2. At least ten days before the time set for the hearing, the General Manager shall give written notice of the hearing to the owner of the subject real property.

3. Any person whose real property is subject to a lien pursuant to this section may file a written protest with the Agency and/or protest orally at the Agency Board hearing on the matter.

4. The Agency Board, after the hearing, shall either adopt a resolution confirming or modifying the amount of the lien, or decide not to impose the lien. The lien may carry such late payment penalties, interest and costs as authorized by this article and set forth in the resolution.
5. Within 30 days following the adoption of a resolution by the Agency Board of Directors imposing a lien, the General Manager shall file a lien certificate with the county recorder’s office.

6. The lien shall have no force and effect until the lien certificate is recorded with the county recorder. Once recorded, the lien shall have the force, effect and priority of a judgment lien governed by Code of Civil Procedure section 697.340 and may be extended as provided in Code of Civil Procedure sections 683.110 to 683.220. Once a lien is recorded pursuant to this section, interest shall accrue on the principal amount remaining unsatisfied pursuant to law.

7. After the Agency receives full payment for the outstanding fines, late payment penalties, interest, costs and other charges set forth in the lien resolution, the Agency shall record a notice of release of lien discharging the Agency’s lien.

Section 5.16 Notices.

(a) Service of compliance orders, administrative citations, administrative hearing decisions, lien notices and other documents under this article shall be as follows:

1. For service on the owner of real property that is the subject of a Code violation, the document shall be:

   i. Personally served on the property owner by hand-delivery or mailed to the property owner by prepaid, first class U.S. mail addressed to the owner’s address as shown on the last equalized County assessment roll; and

   ii. Posted in a conspicuous location on the subject real property.

2. For service on other persons, the document shall be either served personally by hand-delivery or sent by prepaid, first class U.S. mail addressed to the person’s last known residence address.
(b) Failure to receive any notice or other document specified in this article shall not affect the validity of proceedings conducted under this article.
Addition to Administrative Policy Manual

Requested action:
Adoption of Resolution no. 2016-04 Approving an addition to the Administrative Policy Attachment "A"

Background:
In review of the Administrative Policy Manual and drafting new procedures, it came to staff's attention that we did not have a policy regarding unclaimed checks, these are funds that the Agency has made several attempts to refund to a customer but has been unsuccessful. The number of these unclaimed checks/refunds is very minimal. Currently, the Agency relies on conformance with Government Code Section 50050 (attached for your review) in these matters. Staff and the policy committee recommend approving the addition of section 3060.1 – Unclaimed Check Policy.

Alternatives: Suggest other revisions

Fiscal Impact: None

Reviewed by Committee: Yes, the committee reviewed and recommends approval of the attached policy

Recommendation:
Adoption of Resolution no. 2016-04 Approving and addition to the Administrative Policy Attachment “A”

Prepared by: Cris L. Thompson, Assistant General Manager
Amador Water Agency

Unclaimed Check Policy

Adopted:

Administrative Policy Manual Section 3060.1

Purpose of the Policy

This document sets forth the policy of the Amador Water Agency concerning money that is not property of the Agency but remains unclaimed in the official custody of the Agency.

Authority

In conformance with the California Government Code, Section 50050, et. seq. (Code), money that remains unclaimed in the official custody of the Agency for three years (one year if the amount is less than $15.00) becomes property of the Agency providing the Agency Controller follows certain processes as defined in the Code.

Responsibility

The General Manager and Agency Financial Services Manager are responsible for establishing the Agency’s process for unclaimed money that is not property of the Agency, yet remains in its custody in conformity with the Code. The process as defined in the Code will be maintained as a separate document and will be considered the Agency procedures implementing this policy.

Policy Review

This Policy shall be reviewed at least biennially.
50050. For purposes of this article, "local agency" includes all districts. Except as otherwise provided by law, money, excluding restitution to victims, that is not the property of a local agency that remains unclaimed in its treasury or in the official custody of its officers for three years is the property of the local agency after notice if not claimed or if no verified complaint is filed and served. At any time after the expiration of the three-year period, the treasurer of the local agency may cause a notice to be published once a week for two successive weeks in a newspaper of general circulation published in the local agency. At the expiration of the three-year period, money representing restitution collected on behalf of victims shall be deposited into the Restitution Fund or used by the local agency for purposes of victim services. If a local agency elects to use the money for purposes of victim services, the local agency shall first document that it has made a reasonable effort to locate and notify the victim to whom the restitution is owed. The local agency may utilize fees collected pursuant to subdivision (f) of Section 1203.1 or subdivision (f) of Section 2085.5 of the Penal Code to offset the reasonable cost of locating and notifying the victim to whom restitution is owed. With respect to moneys deposited with the county treasurer pursuant to Section 7663 of the Probate Code, this three-year period to claim money held by a local agency is extended for an infant or person of unsound mind until one year from the date his or her disability ceases.

For purposes of this section, "infant" and "person of unsound mind" have the same meaning as given to those terms as used in Section 1441 of the Code of Civil Procedure.

(Amended by Stats. 2013, Ch. 457, Sec. 1. Effective January 1, 2014.)

50051. The notice shall state the amount of money, the fund in which it is held, and that it is proposed that the money will become the property of the local agency on a designated date not less than forty-five days nor more than sixty days after the first publication of the notice.

(Added by Stats. 1949, Ch. 81.)

50052. Upon or prior to publication, a party of interest may file a claim with the treasurer which must include the claimant's name, address, amount of claim, the grounds on which the claim is founded, and any other information that may be required by the treasurer. The claim shall be filed before the date the unclaimed money becomes the property of the local agency as provided under Section 50051 and the treasurer shall accept or reject that claim. If the claim is rejected by the treasurer, the party who submitted the claim may file a verified complaint seeking to recover all, or a designated part, of the money in a court of competent jurisdiction within the county in which the notice is published, and serves a copy of the complaint and the summons issued thereon upon the treasurer. The copy of the complaint and summons shall be served within 30 days of receiving notice that the claim was rejected. The treasurer shall withhold the release of the portion of unclaimed money for
which a court action has been filed as provided in this section until a decision is rendered by the court.

(Amended by Stats. 1984, Ch. 866, Sec. 2.)

50052.5. (a) Notwithstanding Section 50052, the treasurer may release to the depositor of the unclaimed money, their heir, beneficiary, or duly appointed representative, unclaimed money if claimed prior to the date the money becomes the property of the local agency upon submitting proof satisfactory to the treasurer, unless the unclaimed money is deposited pursuant to Section 7663 of the Probate Code. 

(b) Notwithstanding Section 50052, the treasurer may release unclaimed money deposited with the county treasurer pursuant to Section 7663 of the Probate Code, to any adult blood relative of either the decedent or the decedent’s predeceased spouse.

(c) Notwithstanding Section 50052, the treasurer may release unclaimed money deposited with the county treasurer pursuant to Section 7663 of the Probate Code to the parent who has legal and physical custody of a minor who is a blood relative of either the decedent or the decedent’s predeceased spouse without the need to appoint a legal guardian for the minor as follows:

(1) If the value of the unclaimed money deposited with the county treasurer is five thousand dollars ($5,000) or less, the treasurer may release the money according to Section 3401 of the Probate Code.

(2) If the value of the unclaimed money deposited with the county treasurer is sixty thousand dollars ($60,000) or less, and the money is not released under paragraph (1), the unclaimed money may be released by the treasurer to the parent who shall, after payment of any costs incurred in making the claim, hold the money in trust, to be used only for the care, maintenance, and education of the minor, and the parent shall be liable therefor to the minor under the fiduciary laws of this state. The money held in trust shall be released to the minor when the minor reaches the age of majority.

(d) The claim shall be presented to the county treasurer in affidavit form and signed under penalty of perjury. Notwithstanding Section 13101 of the Probate Code, the claimant, to be entitled to the entire escheated estate, needs only to establish with documentary proof the existence of a blood relationship to either the decedent or of the predeceased spouse, if any, and the documentary proof, if regular on its face, need not be certified. Notwithstanding Section 13101 of the Probate Code, the claimant shall not be required to declare that no other person has an equal or superior claim to the escheated estate. The county treasurer may rely in good faith on the sworn statements made in the claim and shall have no duty to inquire into the truth or credibility of evidence submitted. In paying out the escheated estate, the county treasurer shall be held harmless to all. Payment shall act as total acquittance and shall completely discharge the county treasurer from any liability.

If the county treasurer rejects any claim made hereunder, the claimant may take his or her grievance to the Superior Court of the county holding the escheated estate. Any claim paid hereunder shall be paid without interest.

Govt Code 50050-50057 (As of 4-7-16)
50053. When any such money becomes the property of a local agency and is in a special fund, the legislative body may transfer it to the general fund.  
(Added by Stats. 1949, Ch. 81.)

50054. Whenever any city or county or city and county renders construction services or constructs public works for any city, county, city and county or any other governmental agency below the level of the state government, the price charged for such services or construction shall be sufficient to reimburse the governmental body performing such services for the full cost thereof including labor, material, equipment costs or rentals and a reasonable allowance for overhead. In computing overhead, without limitation on other factors properly includable, there shall be allocated to the overhead cost its proportionate share of indirect labor and administrative costs.  
(Added by Stats. 1971, Ch. 558.)

50055. Any other provision of this article notwithstanding, any individual items of less than fifteen dollars ($15), or any amount if the depositor’s name is unknown, which remain unclaimed in the treasury or in the official custody of an officer of a local agency for the period of one year or upon an order of the court may be transferred to the general fund by the legislative body without the necessity of publication of a notice in a newspaper.  
(Amended by Stats. 1996, Ch. 89, Sec. 1. Effective July 1, 1996.)

50056. The responsibilities of the treasurer as provided under this article may be delegated by the treasurer to the agency, district, or department that maintains the supporting records of the unclaimed money based on the initial receipt or deposit of that money or both.  
(Added by Stats. 1984, Ch. 866, Sec. 4.)

50057. For individual items in the amount of five thousand dollars ($5,000) or less, the legislative body of any county may, by resolution, authorize the county treasurer to perform on its behalf any act required or authorized to be performed by it under Sections 50050, 50053, and 50055. The resolution shall require that the county auditor be informed of each act performed under the authorization.  
(Amended by Stats. 2011, Ch. 382, Sec. 2. Effective January 1, 2012.)
RESOLUTION NO. 2016-04
OF THE BOARD OF DIRECTORS OF THE AMADOR WATER AGENCY
APPROVING AN ADDITION TO THE ADMINISTRATIVE POLICY MANUAL

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Amador Water Agency hereby approves the revisions to the Administrative Policy Manual—Attachment “A”

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a regular meeting held on this 14th day of April 2016 by the following vote:

AYES: 
NOES: 
ABSENT: 
ABSTAIN:

Signed and approved by me after its passage this 14th day of April, 2016

__________________________
Robert Manassero, President
Board of Directors

ATTEST:

__________________________
Cris L. Thompson
Clerk of the Board of Directors
MEMORANDUM

TO: BOARD OF DIRECTORS, AMADOR WATER AGENCY
CC: GENE MANCEBO, GENERAL MANAGER
FROM: KATRINA GONZALES & JOSHUA HOROWITZ
DATE: APRIL 7, 2016
RE: LEGISLATIVE REPORT FOR APRIL 14, 2016 BOARD MEETING

The following are bills of potential interest to the Amador Water Agency pending in the California Legislature:

California Assembly

AB 1242 (Gray D) Water Quality and Storage
Introduced: 02/27/2015
Status: 09/02/2015 – Re-referred to Senate Comm. on Rules. Designated a 2-year bill.
Summary: Would require the Department of Water Resources to increase statewide water storage capacity by 25% by January 1, 2025, and 50% by January 1, 2050. The bill would require the department, on or before January 1, 2017, to identify the current statewide water storage capacity and prepare a strategy and implementation plan to achieve those expansions in statewide water storage capacity, and would require the department to update the strategy and implementation plan on January 1, 2018, and every 2 years thereafter, until January 1, 2050. The bill would require the Legislative Analyst’s Office to report to the Legislature on January 1, 2020, and every 5 years thereafter, until January 1, 2050, on the department’s progress on achieving those required increases in statewide water storage capacity, as specified. The bill would, beginning in the 2016–17 fiscal year, continuously appropriate 25% of the annual proceeds of the Greenhouse Gas Reduction Fund to facilitate these requirements.
ACWA: Favor

AB 1243 (Gray D) Groundwater Recharge: Grants
Introduced: 02/27/2015
Summary: Would establish the Groundwater Recharge Grant Fund and would provide that moneys in the fund are available, upon appropriation by the Legislature, to the SWRCB to provide grants to local governments and water districts for groundwater recharge infrastructure projects that would assist local agencies with recharging their groundwater basins.
ACWA: Watch
AB 1587 (Mathis R) Groundwater

**Introduced:** 01/06/2016
**Status:** 03/16/16 – Re-referred to Assembly Comm. on Water, Parks and Wildlife.

**Summary:** Under the Sustainable Groundwater Management Act (SGMA), all groundwater basins that the Department of Water Resources (DWR) designates as high- or medium-priority generally must be managed under a groundwater sustainability plan by January 31, 2022. This bill, during a period for which the Governor has issued a proclamation of a state of emergency based on drought or flood conditions, would prohibit a city or county overlying a basin designated as a high- or medium-priority basin from restricting the otherwise permissible amount of groundwater extractions from the basin if groundwater is the only substantial source of water for the community in which the groundwater is extracted, unless the state has provided that community with infrastructure to supply a safe, reliable, and permanent alternative source of water. This bill also would require that, in implementing a competitive grant program for those projects that develop and implement groundwater planning requirements, special consideration be given to those projects that would create groundwater recharge basins in areas of fallow farmland. It also appropriates $50,000,000 from bond act proceeds for this grant program. [Note: Although this bill would not, as currently written, directly impact the Agency, it may be amended later on to apply to special districts. Thus, this bill should be monitored.]

ACWA: Not favor.

AB 1588 (Mathis R) Water and Wastewater Loan and Grant Program

**Introduced:** 01/06/2016

**Status:** 04/04/16 – Assembly Comm. on Water, Parks and Wildlife has passed the bill and recommended that it be placed on the consent calendar; Comm. on Appropriations has placed it in its suspense file.

**Summary:** This bill would require the State Water Resources Control Board (SWRCB) to establish a loan and grant for local agencies to allow them to provide low-interest loans and grants to eligible applicants for the following purposes: paying reasonable charges or fees for connecting to a water or wastewater system; paying costs to close abandoned septic tanks and water wells; deepening an existing groundwater well; improving an existing groundwater well, including associated equipment; and installing a water treatment system if the groundwater exceeds primary or secondary drinking water standards.

ACWA: Favor.

AB 1589 (Mathis R) CEQA: Exemption

**Introduced:** 01/06/2016

**Status:** 04/04/2016 – Committee reconsideration granted after failing to pass Assembly Comm. on Natural Resources.

**Summary:** This bill would, for the duration of a state of emergency proclaimed by the Governor due to drought conditions, exempt from CEQA requirements projects that are undertaken, carried out, or approved by a public agency to mitigate drought conditions.

ACWA: Favor.

AB 1647 (Waldron R) Environmental Quality: Water Storage Facilities
Water, Parks and Wildlife:

*Introduced:* 01/12/2016  
*Status:* 04/04/2016 – In Assembly Comm. on Natural Resources; hearing canceled at author’s request.

**Summary:** This bill would exempt from certain CEQA requirements a project to expand the storage capacity of an existing surface water storage facility, or to replace an existing surface water storage facility, that is owned and operated by a public entity if that public entity adopts, by resolution, findings and declarations that the project meets certain specified criteria.

ACWA: Favor.

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**AB 1649 (Salas D) Water Quality, Supply, and Infrastructure Improvement Act of 2014: Water Storage Projects**

*Introduced:* 01/12/2016  
*Status:* 02/04/2016 – Amended by author on 03/17/16 and re-referred to Assembly Comm. on Water, Parks and Wildlife.

**Summary:** This bill would require DWR to develop a state water policy that gives priority to the formation of joint powers authorities formed to address critical surface water storage needs and to funding of the joint powers authorities’ surface water projects. The bill also would make findings and declarations of the Legislature, including, but not limited to, that, of the water storage projects available, the Temperance Flat Dam and Sites Reservoir will meet statewide goals and provide specified public benefits to the greatest extent.

ACWA: Not favor.

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**AB 1661 (McCarty D) Local Government: Sexual Harassment Training and Education**

*Introduced:* 01/13/2016  
*Status:* 03/28/2016 – Amended by author on 03/17/16 and re-referred to Assembly Comm. on Local Government

**Summary:** Existing law requires all local agency officials to receive ethics training at specified intervals if the local agency provides any type of compensation, salary, or stipend to those officials. This bill would additionally require local agency officials to receive sexual harassment training and education, and would allow a local agency to require employees to receive sexual harassment training and information.

ACWA: Favor with amendments.

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**AB 1707 (Linder R) Public Records: Response to Request**

*Introduced:* 01/25/2016  
*Status:* 03/31/2016 – In Assembly Comm. on Local Government; hearing canceled at author’s request.

**Summary:** Under the Public Records Act, a local agency is required to justify withholding any record by demonstrating that the record is exempt under express provisions of the act or that the public interest served by not disclosing the record clearly outweighs the public interest served by disclosure. This bill would require the agency’s written response to, in addition to demonstrating that the record in question is exempt under an express provision, also identify the type or types of record withheld and the specific exemption that justifies withholding that type of record.

ACWA: Oppose.

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**AB 1755 (Dodd D) Open and Transparent Water Data Act**

*Introduced:* 02/02/2016  
*Status:* 04/05/2016 – Amended by author on 04/04/2016 and re-referred to Assembly Comm. on Water, Parks and Wildlife.
Summary: This bill would enact the Open and Transparent Water Data Act. The act would require the Department of Water Resources (DWR) to establish a public benefit corporation that would create and manage (1) a statewide water information accounting system to improve the ability of the state to meet the growing demand for water supply reliability and healthy ecosystems, that, among things, would integrate existing water data information from multiple databases; and (2) an online water transfer information clearinghouse to report on water transactions that would include a database with information on completed water transfers, a public forum to exchange information on water market issues, and information to assist proponents with the water transfer approval processes. The bill also would require DWR, the SWRCB, and the Department of Fish and Wildlife to develop protocols for data sharing, documentation, quality control, public access, and promotion of open source platforms and decision support tools related to water data. It also would impose various other duties on these three agencies related to the improvement of water data, including submitting reports to the Legislature on the protocols the agencies develop and on the feasibility of creating a better surface water and groundwater monitoring network.

ACWA: No position yet.

AB 1842 (Levine D) Water Pollution: Fines
Introduced: 02/09/2016
Status: 03/29/2016 – Passed Assembly Comm. on Water, Parks and Wildlife and re-referred to Assembly Comm. on Appropriations.
Summary: Existing law imposes a maximum civil penalty of $25,000 on a person who discharges various pollutants or other designated materials into the waters of the state. This bill would impose an additional civil penalty of not more than $10 for each gallon or pound of polluting material discharged. The bill would require that the civil penalty be reduced for every gallon or pound of the illegally discharged material that is recovered and properly disposed of by the responsible party.

ACWA: Not favor unless amended.

Introduced: 02/16/2016
Status: 03/31/2016 – Re-referred to Assembly Comm. on Appropriations.
Summary: This bill would require the State Water Resources Control Board, in coordination with the State Energy Resources Conservation and Development Commission, the Public Utilities Commission, and the Department of Water Resources, to develop and implement a grant and low-interest loan program for water projects that result in the net reduction of water-related greenhouse gas emissions.

ACWA: No position yet.

AB 2099 (Stone D) Safe Drinking Water Benefit
Introduced: 02/17/2016
Status: 04/04/2016 – Amended by author on 03/28/16 and re-referred to Assembly Comm. on Environmental Safety and Toxic Materials.
Summary: This bill would require the State Department of Social Services to, on or before February 1, 2017, convene a workgroup to develop recommendations for delivering a water benefit for the purchase of drinking water for low-income households with inadequate access to safe drinking water. The bill would require the workgroup to consist of representatives from specified entities, including the Department of Water Resources, the Office of Emergency Services, and applicable community advocates, and would require the workgroup to develop
recommendations that include, among other things, an implementation plan for identification of eligible households and delivery of the benefit to those households. The bill would require the State Department of Social Services to, on or before July 1, 2017, submit a report with the recommendations to the Legislature and the California Health and Human Services Agency.

ACWA: Watch

AB 2304 (Levine D) California Water Market Exchange
Introduced: 02/18/2016
Status: 03/03/2016 – Referred to Assembly Comm. on Water, Parks and Wildlife.
Summary: This bill would establish the California Water Market Exchange, to be governed by a 5-member board, and would require the market exchange, on or before December 31, 2017, to create a centralized water market platform on its internet website that provides ready access to information about water available for transfer or exchange. It also would require, for all transfers and exchanges of water occurring on or after January 1, 2018, the submission of certain data and information to the market exchange and the payment of an administrative fee to the market exchange, as specified.
ACWA: No position yet.

AB 2438 (Waldron R) CEQA: Exemption: Recycled Water Pipelines
Introduced: 02/19/2016
Status: 04/04/2016 – In Assembly Comm. on Natural Resources; hearing canceled at author’s request.
Summary: This bill would, until January 1, 2020, exempt from CEQA a project for the construction and installation of a new pipeline or the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing pipeline, not exceeding 8 miles in length, for the distribution of recycled water within a public street, highway, or right-of-way and would require the lead agency to undertake specified activities, including the filing of a notice of exemption for the project with the Office of Planning and Research and the office of the relevant county clerk. It would require the lead agency, before determining the applicability of the exemption, to hold a noticed public hearing to consider and adopt mitigation measures for potential traffic impacts of the project.
ACWA: Favor if amended.

AB 2578 (Bigelow R) CEQA: Exemption: Water Service
Introduced: 02/19/2016
Status: 03/28/2016 – Amended by author on 03/18/2016 and re-referred to Assembly Comm. on Natural Resources.
Summary: This bill would exempt from the requirements of CEQA a project within a public street or highway or other public right-of-way for the maintenance, repair, restoration, reconditioning, relocation, replacement, removal, or demolition of an existing water distribution pipeline to address water leakage. It would also exempt activities undertaken by a local agency in response to a drought to acquire water supplies, extend service, or provide water for drinking and sanitation to certain individuals and communities.
ACWA: No position yet.

AB 2801 (Gallagher R) Local Government: Fees and Charges: Written Protest
Introduced: 02/19/2016
Status: 04/07/2016 – Amended by author on 04/04/2016 and re-referred to Assembly Comm. on Rules.
Summary: Under existing law, public agencies must follow notice, protest and hearing procedures for levying new or increased fees or charges. This bill would require the agency to keep any written protests against the proposed fee or charge securely stored and sealed until the public hearing. It also would prohibit the agency from requiring a written protest to include any identification of the property other than the street address unless the property does not have a street address and from requiring a written protest to be submitted on a form provided by the agency. In addition, the bill would require the agency to maintain the protests for a minimum of two years and provide that such protests are public records subject to inspection.

ACWA: No position yet.

AB 2853 (Gatto D) Public Records
Introduced: 02/19/2016
Status: 03/28/2016 – Amended by author on 03/18/2016 and re-referred to Assembly Comm. on Judiciary.
Summary: This bill would authorize a public agency that posts a public record on its internet website to refer a person that requests to inspect or obtain a copy of the public record to its webpage where the public record is posted.

ACWA: Oppose.

ACA 8 (Bloom D) Local Government Financing: Water Facilities And Infrastructure: Voter Approval
Introduced: 02/18/2016
Status: 02/19/2016 – From printer. May be heard in committee March 20.
Summary: The California Constitution prohibits the ad valorem tax rate on real property from exceeding 1% of the full cash value of the property, subject to certain exceptions. This measure would create an additional exception to the 1% limit for a rate imposed by a city, county, city and county, or special district to service bonded indebtedness incurred to fund the construction, reconstruction, rehabilitation, or replacement of wastewater treatment facilities and related infrastructure, potable water producing facilities and related infrastructure, nonpotable water producing facilities and related infrastructure, and stormwater treatment facilities and related infrastructure, that is approved by 55% of the voters of the city, county, city and county, or special district, as applicable, if the proposition meets specified requirements, and would authorize a city, county, city and county, or special district to levy a 55% vote ad valorem tax. This bill contains other related provisions and other existing laws.

ACWA: Support.

California State Senate

SB 20 (Pavley D) California Water Resiliency Investment Act (As Amended)
Introduced: 12/01/2014
Summary: As amended, this bill would create the California Water Resiliency Investment Fund in the State Treasury and provide that moneys in the fund are available, upon appropriation by the Legislature, for the purpose of providing a more dependable water supply for California. This bill would create various accounts within the fund for prescribed purposes, including: (1) the Emergency Drought Response and Recovery Account (support emergency actions to protect vulnerable populations from the severe impacts of droughts); (2) the Integrated Regional Water Resiliency and Management Account (provide matching grants to local and regional agencies to increase regional self-reliance); (3) the Safe Drinking Water for Disadvantaged Communities
Account (support planning, construction, operation, and maintenance of drinking water systems for disadvantaged communities); (4) the Environmental Resilience and Recovery Account (provide funding for projects that will provide fisheries, wildlife, or ecosystems with benefits or improvements that are greater than required applicable environmental mitigation measures or compliance obligations); (5) the Smart Water Data Program Account (support improved data and information systems that enable better management of water resources).

ACWA: Oppose.

**SB 122 (Jackson D) California Environmental Quality Act: Record of Proceedings**

*Introduced: 1/15/2015*

*Status: 08/27/2015 – In Assembly Appropriations Comm. Designated as a 2-year bill.*

**Summary:** CEQA establishes a procedure for the preparing and certifying an administrative record upon the filing of an action or proceeding challenging a lead agency's compliance with CEQA. This bill would require the lead agency, at the request of a project applicant and with consent of the lead agency, to prepare a record of proceedings concurrently with the preparation of a negative declaration, mitigated negative declaration, EIR, or other environmental document for projects.

ACWA: Watch.

**SB 814 (Hill D) Drought: Excessive Water Use: Urban Retail Water Suppliers**

*Introduced: 01/04/2016*

*Status: 03/31/2016 – Amended by author on 03/17/2016 and re-referred to Senate Comm. on Appropriations.*

**Summary:** This bill would prohibit the excessive water use during a state of emergency based on drought conditions by a residential customer. It would require each urban retail water supplier to establish a method to identify and restrict excessive water use and authorize, as a method to identify and restrict excessive water use, the establishment of a rate structure that includes block tiers, water budgets, penalties for prohibited uses, or rate surcharges over and above base rates for excessive water use by residential customers. This bill also would authorize the establishment of an excessive water use ordinance, rule, or tariff condition that includes a definition of excessive water use, as prescribed, and would make a violation of this excessive water use ordinance, rule, or tariff condition an infraction punishable by a fine of at least $500 per 100 cubic feet of water or per 748 gallons used above the excessive water use threshold established by the urban retail water supplier in a billing cycle. By creating a new infraction, this bill would impose a state-mandated local program. This bill would provide that these provisions apply only during a period for which the Governor has issued a proclamation of a state of emergency based on drought conditions.

ACWA: Oppose unless amended.

**SB 885 (Wolk D) Construction Contracts: Indemnity**

*Introduced: 01/19/2016*

*Status: 01/28/2016 – Referred to Senate Comm. on Judiciary.*

**Summary:** This bill would specify, for construction contracts entered into on or after January 1, 2017, that a design professional would only have the duty to defend claims that arise out of, or pertain or relate to, negligence, recklessness, or willful misconduct of the design professional. Consequently, under SB 885, a design professional would not have a duty to defend claims against any other person or entity arising from a construction project, except that person or entity’s reasonable defense costs arising out of the design professional’s degree of fault, as specified. The bill would prohibit waiver of these provisions and would provide that any clause
in a contract that requires a design professional to defend claims against other persons or entities is void and unenforceable.

ACWA: No position yet (CSDA is actively opposing this bill).

**SB 995 (Pavley D) Well Standards**

*Introduced:* 02/10/2016  
*Status:* 03/29/2016 – passed Senate Comm. on Natural Resources and Water; re-referred to Comm. on Environmental Quality.  
*Summary:* This bill, on or before January 1, 2019, would require DWR to update well standards for certain types of wells based on existing knowledge and establish an advisory panel to identify critical gaps in existing knowledge about the best practices for well construction, alteration, maintenance, and destruction for these wells. It also would, on or before January 1, 2022, require the advisory panel to make recommendations for improvements in well regulations require DWR to submit the recommendations to the State Water Resources Control Board (SWRCB).

ACWA: No position yet.

**SB 1318 (Wolk D) Local Government: Drinking Water Infrastructure or Services: Wastewater Infrastructure or Services**

*Introduced:* 02/19/2016  
*Status:* 03/29/2016 – In Senate Comm. on Governance and Finance; first hearing set on April 6, 2016 was canceled at author’s request.  
*Summary:* This bill would, among other things, prohibit a local agency formation commission (LAFCO) from authorizing a city or a district to extend drinking water infrastructure or services or wastewater infrastructure or services until it has entered into an enforceable agreement to extend the same services to all disadvantaged communities within its sphere of influence or adjacent to its jurisdictional boundaries, unless specified conditions are met. The bill would prohibit LAFCO from approving a sphere of influence update where there exists a disadvantaged unincorporated community within the city’s or special district’s sphere of influence or contiguous with a city’s or qualifying special district’s jurisdictional boundaries that lacks safe drinking water infrastructure or services or adequate wastewater infrastructure or services unless specified conditions are met.  
ACWA: No position yet.