AMADOR WATER AGENCY
Board of Directors
Regular Meeting
12800 Ridge Road, Sutter Creek, CA 95685
May 12, 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 Fees
      1. 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)
7. WATER SYSTEMS
   A. Urban Water Management Plan Update
         (Draft Updated 2015 Urban Water Management Plan by RMC, Water and Environment available for review at amadorwater.org)
   C. Long Term Water Needs Study
      1. Presentation by RMC Water and Environment regarding the Long Term Water Needs Study
   D. Small Diameter Pipeline Project
      1. Discussion regarding the process for eminent domain proceedings
   E. Water Code Sections 2.06, 2.07 and 2.08 - Participation Fees
      1. Discussion and direction to staff regarding possible amendments to Water Code Sections 2.06, 2.07 and 2.08

8. AGENCY PROJECT UPDATES

9. AGENCY COUNSEL REPORT
   A. Legislative Report
      1. Consider approval to send letter of Opposition to Senate Bill 814
   B. Other Legal Matters

10. COMMITTEE REPORTS
   A. Budget and Finance Committee (04-28-16)

11. ACWA CONFERENCE REPORT

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

13. CLOSED SESSION
   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

Robert Manassero, President        Gary Thomas, Vice President        Paul Molinelli        Art Toy        Rich Farrington

2
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.

14. Small Diameter Pipeline Project
   A. 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.

15. ADJOURNMENT
AMADOR WATER AGENCY
CONSENT AGENDA

May 12, 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 April 28, 2016

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

April 28, 2016

MINUTES

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

Staff Present: Gene Mancebo, General Manager
Cris Thompson, Assistant General Manager
Damon Wyckoff, Operations Manager

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

ADDITIONS TO THE AGENDA — None

PUBLIC COMMENT: None

CONSENT AGENDA ITEMS

MOTION: It was moved by Director Toy, seconded by Director Thomas, and unanimously carried to approve consent item 1.A the Regular Board Meeting Minutes of April 14, 2016, 2.A Approval of Accounts Payable for March, 2016, 2.B Mace Meadows Report of Waste Discharge Requirements Amendment, 2.B.1 Notice of staff's intent to file Notice of Exemption and other associated environmental documents necessary in association with this project, 2.C Approval to send letter of Opposition to Senate Bill 885, and 3.A Adoption of Resolution No. 2016-06 - A Resolution declaring the Participation and Proportionate fee Agreement between AWA and Frederick W. Petersen is null and void and that the Agency has no obligation to any previous commitment of water service to the current owner(s).
**WATER SYSTEMS (5:00-24:52)**

**Rabb Park Community Services District**

Discussion and possible action to enter into an Operations and Maintenance Agreement to provide services to the District

**MOTION:** It was moved by Director Farrington, and seconded by Director Thomas, and unanimously carried to authorize the General Manager to execute an Operations and Maintenance Agreement to provide services to the District subject to review by Directors Farrington and Toy

Discussion and possible action regarding Rabb Park’s request for the Agency to acquire ownership of and operate the District’s water system

**Public Comment:** Mr. Mike Miller, Rabb Park CSD Director

Direction was given to staff to move forward with the process to acquire ownership of and operate the District’s water system with due diligence


Update regarding Water Conservation Efforts

**Reservoir Levels**

Report on current reservoir levels

**Public Comment:**

Mr. Casey Emerson

**Water Code Ordinance (33:26-42:40)**

Discussion and possible action to adopt and enact Ordinance 2016-01- An ordinance of the Board of Directors of the Amador Water Agency establishing a code enforcement program

**Public Comment:**

None

**MOTION:** It was moved by Director Molinelli, seconded by Director Thomas, and unanimously carried to adopt and enact Ordinance 2016-01- An ordinance of the Board of Directors of the Amador Water Agency establishing a code enforcement program

Ayes: Directors Molinelli, Farrington, Thomas, Toy and Manassero

Noes: None

Absent: None

Abstain: None
**Small Diameter Pipeline Project (42:44- 2:12:33)**
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

**Public Comment:**
Ms. Vicki Erhardt
Ms. Carole Marz
Mr. Sean Kriletich
Mr. Bill Condrashoff
Mr. Casey Emerson
Mr. Marcus Boggs

RECESS was called at 10:49 a.m. SESSION resumed at 11:03 a.m.

**Discussion continued**

Ms. Cathy Vanderford

**MOTION:**
It was moved by Director Molinelli, seconded by Director Toy, and unanimously carried to table the item 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 until items discussed today are addressed

**PROJECT UPDATES (2:12:33- 2:28:50)**

**MANAGER'S REPORTS (2:28:50-2:38:52)**

**BOARD OF DIRECTOR DISTRICT REPORTS (2:39:00- 2:55:09)**

**FUTURE AGENDA TOPICS**

**CLOSED SESSION was not called**

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).
Conference with Legal Counsel Pursuant to Government Code Section 54956.9(a) and (d)(1) -- Pending Litigation- Amador Water Agency v. Lazy Creek Family Trust, et al. (Amador Superior Court Case No. 15-CV-9203)

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

Cris Thompson
Clerk of the Board of Directors
Approved: ____________________________

Regular Board Meeting
April 28, 2016
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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 April: Thompson, M.-Sanitary Surveys;
- Certifications/Renewals in April: Brewster-G2 Wastewater
- Staffing: Tracey Hays, Finance Manager, hired 4/18/16
- Liens filed in April: We did not have any filed or released in April.
- Total Liens filed for the Agency 297- total dollar amount $501,160
- Springbrook: Miscellaneous A/R and Fixed Asset/Inventory 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: 1
Customers contacted: 1
Conservation devices handed out: 2

Finance/Accounting:

Water Sales Revenues through the month of April are $5,381,515-12% under budget

Wastewater Sales Revenues through the month of April $1,173,296 - 3% under budget

Cash continues to be monitored daily, total cash balances at April 30, 2016 were $4,597,065

Unrestricted Cash totals: $1,999,449
Restricted Cash totals: $2,597,616

Year to date Operating and Non-Operating Revenues exceeded Expenses by $1,080,400
Grant Reimbursements received: $1,274,33
Outstanding grant reimbursements requested- not yet received at April 30, 2016 approximately $554,947
Prepared by: Karen Gish – HR / Office Manager

Cris Thompson – Assistant General Manager
Operations Report

Covering April 1st – April 29th, 2016

Operations Manager:
1. Completed Waste Discharge Requirement (WDR) Permit Amendment application for Buckhorn Water Treatment Plant and Mace Meadow Golf Course Reuse Site.
2. Completed the Final report of our Aluminum Chlorohydrate (ACH) Pilot Study Extension and submitted it to the Central Valley Regional Water Quality Control Board.
4. Continued work on the Agency's Hazard Mitigation grant application to replace redwood tanks with fire resistant materials.
5. Continued work with Stantec to provide Camanche Wastewater historical information for the Wastewater System Study
6. Continued work to investigate fleet management options

Admin Assist III:
1. Completed monthly and 1st Quarter reporting for Water, Wastewater and Drought.
2. Working with group to update our Red Emergency Contact binders.
5. Working on Long Term Needs Study.
6. Supplied information to various consultants for different projects such as City of Plymouth, Camanche wastewater and Office of Environmental Health Hazard Assessment.

Water Treatment Plants:
1. Cleaned the clarifier at Lone WTP.
2. Transitioned PG&E plant to generator operations for the duration of their scheduled outage.
3. Repaired failed vacuum chamber valve on the siphon system at the Regulator now working well.
4. Added one and a half (1 ½) inches of granulated activated carbon (GAC) at the Lone WTP to improve Total Organic Carbon (TOC) removal.
5. Completed Clean In Place at the Buckhorn WTP.

Wastewater:
1. Gayla WWTP – replaced motor starter on effluent tanks and pump.
2. Camanche WWTP - Added a new sprayfield lateral.
3. Weed abatement in all systems.
4. Completed quarterly sampling.
5. Removed downed trees at plants and leachfield.

Engineering
1. Tanner Hydroelectric: PG&E coordination, re-design inspection and construction management.
2. Ione WTP Backwash: Punch list.
5. Community Development Block Grant: Environmental and engineering consultant selection, grant funding coordination.
6. UMRWA Grants: Grant reimbursement requests.

**Electrical:**
2. Gravity Supply Line- Reservoir level conduit installed and level transducer installed on intake screen.
5. Silver Lake Pines Pump Station- Pump 2 motor control system failed. Controls repaired and put back online.
7. LaMel- Flow meter failed. Repaired.

**Construction:**
1. Bunker Hill- Abandoned water line across bridge and tied Drytown into Plymouth pipeline
2. Installed new 6” pressure reducing valve before the Drytown meter.
3. Leak repair on Roadrunner Ct. (10 gpm, Camanche System)
5. Began construction on the Howard Park Raw Water line project.

**Distribution:**
1. Service line leak repairs:
   a. Roadrunner Ct. (10 gpm, Camanche System)
   b. Lynn Way (3 gpm, CAWP System)
2. Tank Cleanings and Inspections (CAWP System):
   a. Ranch House tank
   b. Jackson Pines tank
   c. McKenzie tank
3. Installed fire hydrant valve extension on Sugar Pine Dr. and Barton Rd.
4. Pump motor repair at Ridgeway Pines Pump Station

**Canal:**
1. Berm Leak Repairs:
   a. Mile Marker 10.25 (30 gpm)
2. Downed tree removal at Mile Marker 4.00 (lower canal)

**Prepared by:** Damon Wyckoff, Operations Manager
STAFF REPORT

Participation Fee Study
Presentation by The Reed Group

Requested Action:
Board Approval of final 2016 Water and Wastewater Participation Fee Study Report
Adoption of Resolution No. 2016-07

Background:
On April 14, 2016, the Board heard a presentation by Bob Reed

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

Reviewed by Committee:
No

Recommendation:
Board Approval of final 2016 Water and Wastewater Participation Fee Study Report
Adoption of Resolution No. 2016-07

Prepared by: Gene Mancebo, General Manager
RESOLUTION NO. 2016-07
OF THE BOARD OF DIRECTORS OF THE
AMADOR WATER AGENCY ADOPTING NEW TREATED
AND UNTREATED WATER AND WASTEWATER PARTICIPATION FEES

WHEREAS, development is occurring within the Amador Water Agency’s service area;

WHEREAS, the Amador Water Agency (“Agency”) commissioned a study to review the Agency’s participation fees for untreated and treated water service, both wholesale and retail, and wastewater service to reflect the cost of providing water and wastewater system capacity for new development;

WHEREAS, the Agency has commissioned The Reed Group, Inc. to prepare a study for updating and setting new untreated and treated water service and wastewater service participation fees, which was made final on April 20, 2016, and which is entitled “Amador Water Agency 2016 Water and Wastewater Participation Fee Study; Final Report” (“Study”);

WHEREAS, the Study evaluates the current value of the Agency’s water and wastewater system assets in order to determine a capacity charge for new customers that bears a reasonable relationship to what similarly situated existing customers have paid for such system capacity, and evaluate new customers’ proportionate share of the costs of new facilities that are needed to serve new development;

WHEREAS, the proposed water and wastewater participation fees were the subject of public meetings of the Agency’s Board of Directors on April 14, 2016, and May 12, 2016, at which the Board of Directors received presentations and public comments on the Study;

WHEREAS, notice of the meetings at which the proposed new water and wastewater participation fees were discussed and considered was posted in advance of those April 14, 2016 and May 12, 2016 meetings, written notice of those meetings was provided to persons requesting notice in writing of those meetings, and the Agency posted and made available to the public the draft and final Study at least 10 days before the aforementioned Board meetings;

WHEREAS, the Board of Directors has reviewed and considered the Study, and any comments thereon and on the Agency’s proposed water and wastewater participation fees;

WHEREAS, the Board of Directors finds as follows:

A. The proposed new participation fees for untreated water service and treated water service, both retail and wholesale, and wastewater service, reasonably reflect the historical cost of the Agency’s water and wastewater systems to serve the anticipated demands of new customers, reflect the new customers’ proportionate share of existing customers’ financial investment in the existing water and wastewater systems, do not exceed the estimated reasonable cost of providing the service for which the fee is imposed, and may be applied to any capital improvement costs;
B. The untreated and treated water service participation fees, both wholesale and retail, collected pursuant to this Resolution may be used to finance water and associated capital facilities needed to serve new, as well as existing, development within the Agency’s service area, and will not be used for general revenue purposes;

C. The wastewater service participation fees collected pursuant to this Resolution may be used to finance wastewater and associated capital facilities needed to serve new, as well as existing, development within the Agency’s service area, and will not be used for general revenue purposes; and

WHEREAS, the Agency desires to adopt new participation fees for untreated and treated water service and wastewater service.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Amador Water Agency as follows:

SECTION ONE. PARTICIPATION FEES FOR UNTREATED AND WHOLESALE AND RETAIL TREATED WATER SERVICE AND WASTEWATER SERVICE.

The new participation fees for untreated and treated water service, both wholesale and retail, and wastewater service set forth in Exhibit 1 below are hereby adopted and shall be set forth in as appropriate in the Agency’s Water Code and Wastewater Code.

Exhibit 1
Amador Water Agency
Proposed Participation Fee Schedules

<table>
<thead>
<tr>
<th>Water Participation Fees</th>
<th>Retail Treated Water Service (1)</th>
<th>Wholesale Treated Water Service (2)</th>
<th>Untreated Water Service (3)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5/8&quot; meter</td>
<td>$9,381</td>
<td>$5,215</td>
<td>$3,684</td>
</tr>
<tr>
<td>3/4&quot; meter</td>
<td>$14,072</td>
<td>$7,823</td>
<td>$5,527</td>
</tr>
<tr>
<td>1&quot; meter</td>
<td>$23,454</td>
<td>$13,039</td>
<td>$9,211</td>
</tr>
<tr>
<td>1 1/2&quot; meter</td>
<td>$46,907</td>
<td>$26,077</td>
<td>$18,422</td>
</tr>
<tr>
<td>2&quot; meter</td>
<td>$75,051</td>
<td>$41,723</td>
<td>$29,476</td>
</tr>
<tr>
<td>3&quot; meter</td>
<td>$150,103</td>
<td>$83,447</td>
<td>$58,952</td>
</tr>
<tr>
<td>4&quot; meter</td>
<td>$234,536</td>
<td>$130,385</td>
<td>$92,112</td>
</tr>
<tr>
<td>6&quot; meter</td>
<td>$469,071</td>
<td>$260,770</td>
<td>$184,224</td>
</tr>
</tbody>
</table>

| Wastewater Participation Fees | Single Family Residential | $9,380 per DU | Multi-Family and Non-Residential (4) | $9,380 per EDU |

Notes:
(1) Applies to new retail water service connections receiving treated water from the Agency.
(2) Applies to new water service connections within the service areas of entities receiving wholesale (resale) water service from the Agency.
(3) Applies to new water service connections receiving untreated water from the Agency.
(4) One equivalent dwelling unit (EDU) defined as 200 gallons per day of wastewater flow.
The new water participation fees are based mainly on the size of the water meter, which indicates the potential demand a customer could place on the water system. Separate water participation fees are proposed for untreated water customers, connections within the service areas of wholesale (resale) customers, and treated water retail customers. However, the Agency will continue to use existing procedures for determining participation fees for multi-family and manufactured home development as specified below.

The wastewater participation fee is based on the number of equivalent dwelling units (EDUs) for each new wastewater connection. Single family homes are assigned 1 EDU of capacity. The number of EDUs associated with each new multi-family and non-residential wastewater connection will be determined on a case-by-case basis, based on the estimated wastewater flow from each new connection. One EDU is equivalent to 200 gallons per day of wastewater flow.

Participation fees for a condominium, townhouse, apartment, or similar type of multiple dwelling units are determined as a percentage of the charge applicable to a customer using a 5/8-inch meter, depending on the number of bedrooms per unit, as indicated below.

<table>
<thead>
<tr>
<th>Number of Bedrooms</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>3 or more bedrooms</td>
<td>100%</td>
</tr>
<tr>
<td>2 bedrooms</td>
<td>90%</td>
</tr>
<tr>
<td>1 bedroom</td>
<td>80%</td>
</tr>
</tbody>
</table>

Participation fees for a manufactured home in a manufactured home park are determined as a percentage of the charge applicable to a customer using a 5/8-inch meter, depending on the number of manufactured homes per acre, as indicated below.

<table>
<thead>
<tr>
<th>Number of Homes per Acre</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1 to 4 units per acre</td>
<td>100%</td>
</tr>
<tr>
<td>5 or 6 units per acre</td>
<td>90%</td>
</tr>
<tr>
<td>7 or 8 units per acre</td>
<td>80%</td>
</tr>
<tr>
<td>9 or more units per acre</td>
<td>70%</td>
</tr>
</tbody>
</table>

To account for escalating construction costs, the new Agency participation fees set forth above in Exhibit 1 shall be adjusted annually on July 1 of each year, beginning July 1, 2017, based on the change in the inflation index referenced below for the prior April 1 to March 31 period. The inflation factor used for this adjustment shall be that listed in the Engineering News-Record Construction Cost Index, 20-Cities Average, as this index historically represents a reasonable relationship to the cost increases experienced by the Agency due to inflation.

Parcels within the Amador Water System CFD#1 are subject to the Agency’s participation fees, but will be provided a credit for special taxes paid on each parcel. The special tax attributable to a parcel will be credited against the entire and actual water participation fees due for development on that parcel up to, but no more than, the amount of the water participation fees due.

SECTION TWO.  INCONSISTENT PROVISIONS.

To the extent that the terms and provisions of this Resolution may be inconsistent or in conflict with the terms and conditions of any prior Agency resolution, ordinance, rule or regulation governing the same subject, the terms of this Resolution shall prevail with
respect to the subject matter thereof and such inconsistent and conflicting provisions of prior resolutions, ordinances, rules or regulations are hereby repealed.

SECTION THREE. INVALIDITY.

If any provision of this Resolution or application thereof to any person or circumstance is held invalid, no other provision of this Resolution shall be affected thereby.

SECTION FOUR. EFFECTIVE DATE.

This Resolution and the untreated and treated water participation fees both wholesale and retail, and wastewater service set forth herein shall take effect on May 12, 2016.

SECTION FIVE. CEQA FINDINGS.

The Board of Directors finds that it can be seen with certainty that there is no possibility that the imposition of the untreated and treated water and wastewater service participation fees established herein may have a significant effect on the environment, and that therefore, adoption of this Resolution setting such participation fees is exempt from the provisions of the California Environmental Quality Act pursuant to Section 15061(b)(3) of Title 14 of the California Code of Regulations; and the Board hereby authorizes its General Manager to prepare and file a Notice of Exemption consistent with these findings.

SECTION SIX. JUDICIAL ACTION TO CHALLENGE THIS RESOLUTION.

Any judicial action or proceeding to attack, review, set aside, void or annul this Resolution and the participation fees established herein shall be brought within 120 days after the effective date of this Resolution in accordance with Government Code section 66022.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency at a Board meeting held on this 12th day of May, 2016, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

Signed and approved by me after its passage this May 12, 2016.

Robert Manassero
President, Board of Directors

ATTEST:

10/R050416jmh Participation Fees
Cris L. Thompson
Clerk of the Board of Directors
AMADOR WATER AGENCY
NOTICE OF PUBLIC HEARING FOR
UPDATE OF 2015 URBAN WATER MANAGEMENT PLAN (UWMP) &
COMPLIANCE WITH CALIFORNIA'S WATER CONSERVATION ACT OF 2009 (SB X7-7)

NOTICE IS HEREBY GIVEN that the Amador Water Agency will hold a public hearing at its regular board meeting on Thursday, May 12, 2016, starting at 10:00 a.m. in the Agency’s offices located at 12800 Ridge Road, Sutter Creek to receive public comment regarding the Agency’s 2015 UWMP and implementation of SB X7-7, obtain community input and consider the economic impacts, and to receive public comment for adoption of the UWMP.

California state law requires each urban water supplier to prepare and adopt an urban water management plan every five years. The UWMP documents the Agency’s plans to ensure adequate water supplies to meet existing and future demands for water under a range of water supply conditions, including water shortages. The 2015 UWMP also includes information on the Agency’s progress towards the 20 percent by 2020 conservation requirement of the Water Conservation Bill of 2009 (SB X7-7). A summary of the UWMP will be presented at the public hearing.

The draft UWMP is available for public review and comment through until May 29, 2016. A copy of the draft UWMP is available for viewing at the Amador Water Agency front desk, and is also accessible on the Agency’s website:

[www.amadorwater.org]

NOTICE IS FURTHER GIVEN, pursuant to CA Government Code 65009, that any challenge of these topics in court may be limited to issues raised at the public hearing described in this notice, or in written correspondence delivered to the Agency prior to May 29, 2016.

INTERESTED PERSONS MAY appear and be heard at the public hearing, or may provide written comments to the Agency, via Damon Wyckoff, Operations Manager. The Agency encourages the active involvement of the diverse social, cultural and economic elements of the population within the service area. Written comments may be mailed to the Operations Manager, 12800 Ridge Road, Sutter Creek, CA 95685, delivered to the Agency front desk, or emailed to dwyckoff@amadorwater.org.

Gene Mancebo
General Manager

April 29, 2016 and May 6, 2016 publication dates
STAFF REPORT

Participation Fee Payment
Water Code Sections 2.06, 2.07, & 2.08

Requested Action:
Direction to staff for preparation of Water Code Amendments concerning the payments of Participation Fees (Sections 2.06, 2.07, & 2.08) consistent with the recommendation from the Budget and Finance Committee.

Background:
The Water Agency Board adopted Ordinance 2010-01 which requires property owners wishing to obtain a conditional will-serve to pay 5% of participation fees at that time, another 10% if they wish to extend the conditional will-serve. Then at final map, the property owner is required to pay 25% of the participation fees in place at that time minus previous paid fees, a year later pay up to 50% of the participation fees in place at that time and so on until 100% of the fees have been paid. In addition, participation fees must be paid in full for any lot that is sold, or for which a building permit is requested, or upon application for water service. The Budget and Finance Committee met on April 28, 2016 and discussed these participation fee payment requirements and concluded that they are burdensome on property owners wishing to develop their property and complicated to administer. The Committee recommends that the Board consider returning to the payment requirements that existed prior to Ordinance 2010-01 with one exception which is a requirement that all participation fees must be paid within ten years from the date of the final map approval. Prior to Ordinance 2010-01, a property owner/developer was required to enter into a recorded agreement which required the payment of participation fees at either lot sale, building permit application, or water service application, whichever occurred first.

Fiscal Impact:
The timing of participation fee would change; however, the fee collected would not be significantly different. The proposed change is expected to provide a slight increase to the total fees paid as fees are normally increased each year due to inflation; however, this will be based on the actual date fees are paid.
Reviewed by Committee:
Yes, reviewed and recommended by the Budget and Finance Committee

Recommendation:

Revise Water Code Sections 2.06, 2.07, and 2.08 to reflect participation fee payment timing requirements as they existed just prior to Ordinance 2010-01 with an addition that the participation fees must be paid in total no later than 10 years from the date of the final map.

Prepared by: Gene Mancebo, General Manager
MEMORANDUM

TO: BOARD OF DIRECTORS, AMADOR WATER AGENCY
CC: GENE MANCEBO, GENERAL MANAGER
FROM: KATRINA GONZALES & JOSHUA HOROWITZ
DATE: MAY 5, 2016
RE: LEGISLATIVE REPORT FOR THE MAY 12, 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 (DWR) 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
Status: 01/31/2016 – Died pursuant to Cal. Const., art. IV, §10(c) (Stating that a bill introduced during the first year of a two-year legislative sessions that has not been passed by January 31 of the second calendar year of the session may no longer be acted on by the house).
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: No position yet.
(Note: Gray also introduced AB 1244. AB 1244 would require the SWRCB to adopt general conditions for small irrigation use. AB 1244 is held in the Assembly Committee on Water, Parks & Wildlife and designated a 2-year bill.)

AB 1587 (Mathis R) Groundwater
Introduced: 01/06/2016
Status: 04/27/2016 – Assembly Comm. on Water, Parks and Wildlife has passed the bill with amendments and has re-referred it to Comm. on Appropriations, which has placed it in its suspense file.
Summary: Would require DWR to, in implementing a competitive grant program for projects that develop and implement groundwater planning requirements, give special consideration 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.
ACWA: Watch.

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: 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: 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: No position yet.

AB 1647 (Waldron R) Environmental Quality: Water Storage Facilities
Introduced: 01/12/2016
Status: 04/04/2016 – In Assembly Comm. on Natural Resources; hearing canceled at author’s request.
Summary: 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.
AB 1649 (Salas D) Water Quality, Supply, and Infrastructure Improvement Act of 2014: Water Storage Projects

Introduced: 01/12/2016
Status: 04/27/2016 – Assembly Comm. on Water, Parks and Wildlife has passed the bill with author’s amendments and re-referred it to the Comm. on Appropriations, which has placed it in its suspense file.

Summary: Would require DWR to develop a state water policy that gives priority to the formation of joint powers authorities (JPAs) that are formed to address critical surface water storage needs, and to funding JPAs’ 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.

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

Introduced: 01/13/2016
Status: 05/04/2016 – Assembly Comm. on Local Government has passed the bill with amendments and has re-referred it to Comm. on Appropriations, which has placed it in its suspense file.

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. The bill also would require an entity that develops curricula to satisfy this requirement to consult with the Attorney General regarding the sufficiency and accuracy of that proposed content.

ACWA: Favor.

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

Introduced: 01/25/2016
Status: 04/12/2016 – Passed Assembly Comm. on Judiciary with author’s amendments; re-referred to 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: No position yet.

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

Introduced: 02/02/2016
Status: 04/20/2016 – Assembly Comm. on Water, Parks and Wildlife has passed the bill and has re-referred it to Comm. on Appropriations.

Summary: Would require 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: Support if amended.

AB 1842 (Levine D) Water Pollution: Fines
Introduced: 02/09/2016
Status: 04/28/2016 – Assembly Comm. on Water, Parks and Wildlife has passed the bill; re-referred to Comm. on Appropriations following author’s amendments.
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. In addition, it would prohibit a person from being subject to both a civil penalty described above and a civil penalty imposed pursuant to the Lemper-Keene-Seastrand Oil Spill Prevention and Response Act for the same act/failure to act.
ACWA: Not favor unless amended.

Introduced: 02/16/2016
Status: 03/31/2016 – Re-referred to Assembly Comm. on Appropriations.
Summary: Would require the SWRCB, in coordination with the State Energy Resources Conservation and Development Commission, the Public Utilities Commission, and DWR, 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: Favor if amended.

AB 2099 (Stone D) Safe Drinking Water Benefit
Introduced: 02/17/2016
Status: 04/18/2016 – Assembly Comm. on Environmental Safety and Toxic Materials has passed the bill and re-referred it to Comm. on Appropriations with recommendation that it be placed on the consent calendar.
Summary: Would require the State Department of Social Services (DSS) 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 DWR, 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 also would require DSS 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 R) California Water Market Exchange
Introduced: 02/18/2016
Status: 04/13/2016 – Assembly Comm. on Water, Parks and Wildlife has passed the bill and referred it to Comm. on Appropriations.
Summary: 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: Support if amended.

AB 2438 (Waldron R) CEQA: Exemption: Recycled Water Pipelines
Introduced: 02/19/2016
Status: 04/21/2016 – Assembly Comm. on Appropriations has passed the bill and has ordered a third reading.
Summary: 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: 04/14/2016 – In Assembly Comm. on Natural Resources; hearing canceled at author’s request.
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: Favor.

AB 2801 (Gallagher R) Local Government: Fees and Charges: Written Protest
Introduced: 02/19/2016
Status: 05/04/2016 – Re-referred to Assembly Comm. on Appropriations following author’s amendments.
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: Watch.

**AB 2853 (Gatto D) Public Records**

**Introduced:** 02/19/2016  
**Status:** 05/04/2016 – Assembly Comm. on Appropriations has passed the bill and placed it on the consent calendar.  
**Summary:** Would authorize a public agency that posts a public record on its internet website to first refer a person that requests to inspect or obtain a copy of the public record to its webpage where the public record is posted. If, after such referral, the person requests a copy of the record due to an inability to access or reproduce the record from the website, this bill would require the agency to prepare a copy of the record within 10 days and promptly notify the person of the record’s availability.  
ACWA: Favor/amend.

**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  
**Status:** 08/26/2015 – Designated a 2-year bill.  
**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
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: No position yet.

SB 814 (Hill D) Drought: Excessive Water Use: Urban Retail Water Suppliers
Introduced: 01/04/2016
Status: 05/03/2016 – Ordered to third reading by 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: 04/21/2016 – In Senate Comm. on Judiciary; set for hearing on May 3, 2016.
Summary: This bill would specify, with certain exceptions, 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 or lawsuits 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: Not favor (CSDA is actively opposing this bill).
SB 995 (Pavley D) Well Standards
Introduced: 02/10/2016
Status: 04/29/2016 – In Senate Comm. on Appropriations; set for hearing on May 9, 2016.
Summary: Would require DWR, on or before January 1, 2019, 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 SWRCB.
ACWA: Favor if amended.

SB 1318 (Wolk D) Local Government: Drinking Water Infrastructure or Services: Wastewater Infrastructure or Services
Introduced: 02/19/2016
Status: 04/21/2016 – The Senate Comm. on Environmental Quality has passed the bill and has re-referred it to the Senate Comm. on Appropriations.
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. In addition, this bill would, on or before January 1, 2022, and every 5 year thereafter, require LAFCO to conduct service reviews sufficient to have reviewed the entire territory of the county, to file a map with the county identifying disadvantaged unincorporated communities that lack safe drinking water or adequate wastewater with the Office of Planning and Research (OPR), and would require OPR to post the map on its website. It would additionally require LAFCO, within two years of identifying a disadvantaged unincorporated community that lacks safe drinking water or adequate wastewater services, to recommend a plan based on the alternatives previously analyzed and adopt any actions necessary to implement the plan, as specified.
ACWA: Oppose.

SB 1398 (Leyva D) Public Water Systems: Lead Pipes
Introduced: 02/19/2016
Status: 04/21/2016 – In the Senate Comm. on Appropriations; set for hearing on May 9, 2016.
Summary: Would require a public water system to compile an inventory of lead pipes in use by July 1, 2018, and, after completing the inventory, to provide a timeline for replacement of lead pipes in the system to the board. This bill also would require the SWRCB to establish best practices to ensure that chemicals introduced into public water systems do not create corrosion or contamination within the system.
ACWA: Watch/amend.

Introduced: 02/19/2016
Status: 04/28/2016 – In the State Assembly; read the first time and held at desk.

Summary: The Brown Act authorizes a local agency’s legislative body to hold a closed session to consider the appointment, employment, evaluation of performance, discipline, or dismissal of a public employee, but generally prohibits the closed session from including discussion or action on proposed compensation. It also authorizes closed sessions with the local agency’s designated representatives regarding the salaries, salary schedules, or compensation paid in the form of fringe benefits of its represented and unrepresented employees, but prohibits the closed session from including final action on the proposed compensation of one or more unrepresented employees. This bill would require the legislative body of a local agency to, prior to taking final action, orally report a summary of a recommendation for a final action on the salaries, salary schedules, or compensation paid in the form of fringe benefits of a local agency executive during the open meeting in which the final action is taken.

ACWA: Watch.
STAFF REPORT

Small Diameter Raw Water Pipeline Project
Right of Way Acquisition

Requested Action:
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.

Background:
Legal counsel will discuss the steps for eminent domain proceedings. Staff believes that the Agency has or will reach impasse for easement negotiations and the Board will need to consider the use of eminent domain to obtain right of way over those parcels along the Small Diameter Pipeline project and recommend the services of Freeman, D’Aiuto, Pierce, Gurev, Keeling & Wolf to assist the Water Agency. Arnold J. Wolf of this firm has assisted the Agency in the past and has agreed to do so for this project.

Fiscal Impact:
Cost for these services will be on a time and material basis as it is unknown how may parcels and properties will be involved and the extent of the proceedings at this time. As such the total fiscal impact is not known at this time. The cost of this work will be paid from the grant proceeds to the extend funds are available.

Reviewed by Committee: No

Reviewed by Legal Counsel: Yes

Recommendation: 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.

Prepared by: Gene Mancebo, General Manager