

AMADOR WATER AGENCY

Board of Directors

Regular Meeting

12800 Ridge Road, Sutter Creek, CA 95685

October 22, 2020

9:00 a.m.

BOARD OF DIRECTORS

Rich Farrington, President	District 3
Susan Peters, Vice President	District 4
Paul Molinelli Jr., Director	District 1
Gary Thomas, Director	District 2
Randy Livingston, Director	District 5

In order to accommodate the social distancing practices required to reduce the risk of spreading COVID-19 and provide for the safety of the public, our employees and Board of Directors, the Agency will conduct its public meetings via videoconference until further notice. Members of the public wishing to participate in this meeting should use this call-in number:

The Board President will call for public comment on each agenda item at the appropriate time to ensure that the public may be heard and all votes by the Board will be taken by roll call.

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

The Board President may take items out of order to accommodate the public or to promote the order of the meeting.

1. OPEN SESSION WILL BE CALLED AT 9:00 a.m.

Members of the public wishing to participate in the Regular Board meeting should use the information below:

Please join the meeting by using the information below:

<https://global.gotomeeting.com/join/663317925>

You can also dial in using your phone.

(For supported devices, tap a one-touch number below to join instantly.)

United States (Toll Free): 1 877 309 2073

- One-touch: <tel:+18773092073,663317925#>

United States: +1 (571) 317-3129

- One-touch: <tel:+15713173129,663317925#>

Access Code: 663-317-925

2. CALL TO ORDER – ROLL CALL- PLEDGE OF ALLEGIANCE

Website Address: www.amadorwater.org

3. SAFETY TOPIC – Director Livingston

4. ADDITIONS TO AGENDA

A. Items added to the agenda must be approved by the Board pursuant to Government Code Section 54954.2

5. 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

6. CONSENT AGENDA

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).

7. WATER SYSTEM

A. Amador Water System Community Facilities District #1 (CFD#1)

Presentation by Blair Aas, of SCI Consulting Group on CFD #1

B. Pioneer Water Rehabilitation Project Ph III (Tank A and B Replacement Project)

Discussion and possible action to:

(a) Adopt, and direct staff to file, the Final Mitigated Negative Declaration (MND), Initial Study (IS), Mitigation Monitoring and Reporting Plan (MMRP), and Notice of Determination (NOD), <https://amadorwater.org/connection-installation/environmental-review/>;

(b) Certify that Resource Development Company, with a bid of \$5,388,430, is the lowest responsible responsive bidder and authorize the General Manager to issue the Notice of Award and Notice to Proceed when all contract requirements have been met by the contractor;

(c) Authorize the construction and implementation of the Project with a total cost of \$7,075,000.

C. Adopt a support position on S.4431 the Emergency Wildfire and Public Safety Act of 2020 (Feinstein/Daines)

8. GENERAL MANAGER REPORT AND COVID 19

9. BOARD OF DIRECTOR DISTRICT REPORTS, COMMITTEE REPORTS AND DIRECTOR COMMENTS - The Board Members may report on various activities, meetings, etc. that they have been involved in. Discussion only, no formal action will be taken. Any matter requiring action will be placed on an upcoming agenda for consideration.

Personnel 10-14-20

Safety and Risk Management 10-15-20

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

11. ADJOURNMENT-The estimated adjournment time for this meeting is 1:00 p.m.

SCHEDULE OF UPCOMING BOARD MEETING

Thursday, November 12, 2020 9:00 a.m.
Regular Board of Directors Meeting

**AMADOR WATER AGENCY
CONSENT AGENDA
October 22, 2020**

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 October 8, 2020.
- B. Approval of minutes of the Special Board Meeting of October 15, 2020.

2. MISCELLANEOUS APPROVALS

- A. Adopt Resolution 2020-27 adopting the Amador County Local Hazard Mitigation Plan Update.

If you are an individual with a disability and need assistance or accommodation to participate in this teleconference meeting, please call Clerk of the Board Cris Thompson at (209) 223-3018, fax (209) 257-5281, or email Ms. Thompson at cthompson@amadorwater.org.

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**

October 8, 2020

MINUTES

In order to accommodate the social distancing practices required to reduce the risk of spreading COVID-19 and provide for the safety of the public, our employees and Board of Directors, the Agency will conduct its public meetings via teleconference until further notice.

OPEN SESSION

CALL TO ORDER at 9:00 a.m.

Pledge of Allegiance

ROLL CALL

Board of Directors:

Director Thomas
Director Molinelli Jr.
Director Peters
Director Livingston
Director Farrington

Staff in Attendance:

Larry McKenney, General Manager
Cris Thompson, Acting Financial Services Manager/ Clerk of the Board
Rick Ferriera, Operations & Engineering Manager
Brandt Cook, Resident Engineer
Karen Gish, HR Risk Management Manager
Joshua Horowitz, Agency Legal Counsel
Lucy Hackett, Public Relations

ADDITIONS TO AGENDA - None

Regular Board Meeting
October 10, 2020

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA- None

CONSENT AGENDA (2:56- 4:39)

MOTION: It was moved by Director Molinelli Jr, seconded by Director Peters and unanimously carried to approve the consent agenda, Minutes of September 24, 2020, Approval of accounts payable for September, 2020 and Adoption of Resolution No. 2020-25 Authorizing the forgiveness of internal loans made from the Agency General Fund

Roll Call Vote:

Ayes: Directors Molinelli Jr., Thomas, Peters, Livingston, and Farrington

Noes: None

Absent: None

Abstain: None

AGENCY GENERAL

Agency Financial Policies (4:40- 18:40)

Discussion and possible action to adopt Resolution 2020-26- Rescinding and replacing designated portions of the Agency's Administrative Policy Manual, approving new and replacement policies, and reconfiguring the manual.

MOTION: It was moved by Director Peters, seconded by Director Molinelli Jr. to adopt Resolution 2020-26- Rescinding and replacing designated portions of the Agency's Administrative Policy Manual, approving new and replacement policies, and reconfiguring the manual with typographical and non substantial changes.

Roll Call Vote:

Ayes: Directors Molinelli Jr., Thomas, Peters, Livingston, and Farrington

Noes: None

Absent: None

Abstain: None

WATER SYSTEMS

Pioneer Water Rehabilitation Project Ph III (18:41- 58:04)

Discussion and possible action to adopt and direction to staff to file the Final Mitigated Negative Declaration (MND), Initial Study (IS), Mitigation Monitoring and Reporting Plan (MMRP), and Notice of Determination (NOD) for the Tank A and B Replacement Project

The Board gave direction to staff to conduct additional outreach regarding the project and bring this item back to the October 22, 2020 Board Meeting.

DEPARTMENT REPORTS (58:04- 1:40:38)

Administration/Finance

Operations & Engineering

Regular Board Meeting

October 10, 2020

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RECESS was called at 10:41 SESSION resumed at 10:48 a.m.

GENERAL MANAGER REPORT and COVID 19 Update (1:41:20- 1:55:26)

**COMMITTEE REPORTS, SPECIAL ASSIGNMENTS AND DIRECTOR COMMENTS
(1:55:27- 1:58:29)**

Policy Committee 09-30-20

Director Farrington reported on

FUTURE AGENDA TOPICS (1:58:28- 2:03:56)

Standing agenda item after pledge- safety topic

Customer Schuber request follow up

CFD Overview

LEGAL COUNSEL'S REPORT (2:04:33- 2:15:50)

A. Legislative report

B. Discussion and possible action regarding Agency positions on pending bills

C. Other Legal Matters

CLOSED SESSION was not called

A. Conference with Legal Counsel - Existing Litigation; Government Code sections 54954.5(c) and 54956.9(a) and (d)(1); State Water Resources Control Board hearing on Agency's Petition and Application for new water right to serve the CAWP System.

REPORT OUT FROM CLOSED SESSION- None

ADJOURNMENT

President Farrington adjourned the meeting at 11:23 a.m.

Cris Thompson

Clerk of the Board of Directors

Approved: _____

Regular Board Meeting
October 10, 2020

**AMADOR WATER AGENCY
Special Joint Meeting of the
Safety and Risk Management Committee
and the Board of Directors**

October 15, 2020

MINUTES

In order to accommodate the social distancing practices required to reduce the risk of spreading COVID-19 and provide for the safety of the public, our employees and Board of Directors, the Agency will conduct its public meetings via teleconference until further notice.

OPEN SESSION

CALL TO ORDER at 10:00 a.m.

ROLL CALL

Board of Directors:

Director Thomas
Director Molinelli Jr.
Director Peters
Director Livingston
Director Farrington

Staff in Attendance:

Larry McKenney, General Manager
Cris Thompson, Acting Financial Services Manager/ Clerk of the Board
Rick Ferriera, Operations & Engineering Manager
Karen Gish, HR Risk Management Manager

ADDITIONS TO AGENDA - None

PUBLIC COMMENT FOR MATTERS NOT ON THE AGENDA- None

Special Board and Committee Meeting
October 15, 2020

WORKSHOP PRESENTATION

The Committee and the Board received a presentation on Risk Management concepts and strategies from Anil Suri, Risk Advisor. Directors discussed the presentation and asked questions of Mr. Suri. This item was informational and no action was taken during the meeting.

ADJOURNMENT

Chair Livingston and President Farrington adjourned the meeting at 10:50 a.m.

Cris Thompson
Clerk of the Board of Directors

Approved: _____

STAFF REPORT

Adoption of Amador County Local Hazard Mitigation Plan

Requested Action: Adopt Resolution 2020-27 Adopting the Amador County Local Hazard Mitigation Plan

Background: Local agencies are required to adopt Local Hazard Mitigation Plans (LHMPs) in order to be eligible for FEMA funding for disaster relief. In Amador County, the County has taken the lead in developing an LHMP to which the local agencies within the County contribute. LHMPs must be updated every five years. The County has completed the 2020 update to the previously adopted 2015 LHMP.

The County has circulated the update to participating agencies for the necessary adoption by resolution. The County asked that it be the first to adopt the update, as the first adoption date sets the 5-year update clock. The County adopted the update on October 13.

The LHMP is a large document, exceeding 1200 pages. The entire document is available at [https://amadorsheriff.org/images/Amador County LHMP Update Complete1.pdf](https://amadorsheriff.org/images/Amador%20County%20LHMP%20Update%20Complete1.pdf).

An excerpted version is available at:

<https://amadorwater.org/wp-content/uploads/2020/10/Amador-County-LHMP-Exec-Summary-and-water-and-AWA-excerpts.pdf>

It includes the executive summary (pdf pp. 1-21), sections specifically addressing drought and water shortage (pdf pp. 22-33 and 34-37), and Annex F about Amador Water Agency (pdf pp. 38-99).

Fiscal Impact:

Facilitates disaster relief funding if needed.

Reviewed by Committee: No.

Prepared by: Larry McKenney, General Manager

RESOLUTION NO. 2020-27

**OF THE BOARD OF DIRECTORS OF THE
AMADOR WATER AGENCY
ADOPTING THE AMADOR COUNTY
LOCAL HAZARD MITIGATION PLAN UPDATE**

WHEREAS, the Amador Water Agency recognizes the threat that natural hazards pose to people and property within our community; and

WHEREAS, undertaking hazard mitigation actions will reduce the potential for harm to people and property from future hazard occurrences; and

WHEREAS, the U.S. Congress passed the Disaster Mitigation Act of 2000 ("Disaster Mitigation Act") emphasizing the need for pre-disaster mitigation of potential hazards; and

WHEREAS, the Disaster Mitigation Act made available hazard mitigation grants to state and local governments; and

WHEREAS, an adopted Local Hazard Mitigation Plan is required as a condition of future funding for mitigation projects under multiple FEMA pre- and post-disaster mitigation grant programs; and

WHEREAS, (Name of Government/District/Organization) fully participated in the FEMA-prescribed mitigation planning process to prepare this local hazard mitigation plan; and

WHEREAS, the California Office of Emergency Services and Federal Emergency Management Agency, Region IX officials have reviewed the Amador County Local Hazard Mitigation Plan and approved it contingent upon this official adoption of the participating governing body; and

WHEREAS, the (Name of Government/District/Organization) desires to comply with the requirements of the Disaster Mitigation Act and to augment its emergency planning efforts by formally adopting the Amador County Local Hazard Mitigation Plan; and

WHEREAS, adoption by the governing body for the (Name of Government/District/Organization), demonstrates the jurisdiction's commitment to fulfilling the mitigation goals and objectives outlined in this Local Hazard Mitigation Plan; and

WHEREAS, adoption of this legitimizes the plan and authorizes responsible agencies to carry out their responsibilities under the plan.

NOW, THEREFORE, BE IT RESOLVED, that the Board of Directors of the Amador Water Agency hereby adopts the Amador County Local Hazard Mitigation Plan as an official plan; and

BE IT FURTHER RESOLVED, the Amador Water Agency will submit this adoption resolution to the California Office of Emergency Services and FEMA Region IX officials to enable the plan's final approval in accordance with the requirements of the Disaster Mitigation Act of 2000.

The foregoing resolution was duly passed and adopted by the Board of Directors of the Amador Water Agency of State of California on this 10th day of September, 2020 by the following vote:

Ayes: Directors Molinelli Jr., Thomas, Peters, Livingston, and Farrington

Noes: None

Absent: None

Abstain: None

Richard Farrington, President
Board of Directors

ATTEST:

Cris Thompson
Clerk of the Board of Directors

The foregoing instrument is a correct copy of the original
on file in this office

Attest: _____

STAFF REPORT

Tank A & B Replacement Project (JC# 140210) Pioneer Water Rehabilitation Phase III

Requested Action:

- (a) Adoption, and direction to Staff to file, the Final Mitigated Negative Declaration (MND), Initial Study (IS), Mitigation Monitoring and Reporting Plan (MMRP), and Notice of Determination (NOD) for the Tank A and B Replacement Project.
- (b) Certify that Resource Development Company, with a bid of \$5,388,430, is the lowest responsible responsive bidder and authorize the General Manager to issue the Notice of Award and Notice to Proceed when all contract requirements have been met by the contractor; and
- (c) Authorize the construction and implementation of the Project with a total cost of \$7,075,000.

Project Description:

The Proposed Project would replace the two existing water storage tanks, the 250,000 gallon Tank B and 500,000 gallon Tank A, with two new one-million gallon water storage tanks on the adjacent parcel. The new aboveground welded steel tanks would be approximately 75 feet in diameter and 36 feet in height. The project will also include placement of overflow vaults, meter vaults, and a fire hydrant. Once the new tanks are constructed and operational, the existing tanks will be demolished.

CEQA:

The Initial Study, prepared in compliance with the California Environmental Quality Act (CEQA), assessed the Proposed Project's potential effects on the environment and the significance of these effects. Based on the whole record before it, AWA has determined that there is no substantial evidence that the Proposed Project would result in significant effects on aesthetics, agriculture and forestry resources, geology and soils, greenhouse gas emissions, hydrology and water quality, land use and planning, mineral resources, hazards and hazardous materials,

population and housing, public services, recreation, utilities and service systems, and tribal cultural resources. Based on the whole record before it, AWA has determined that, with mitigation, there is no substantial evidence that the Proposed Project would result in significant effects on air quality, biological resources, cultural resources, noise, paleontological resources, and transportation/traffic.

The Initial Study/Mitigated Negative Declaration (IS/MND) was circulated to the public and to responsible public agencies for a public review period of 30 days from August 28, 2020 through September 28, 2020. Two comment letters were received, and, together with the responses, are included in the Final IS/MND. Both documents are available for review at:

<https://amadorwater.org/connection-installation/environmental-review/>

As a result of comments received on the Draft IS/MND, no revisions were required to the Draft IS/MND text that would require recirculation of the document. The Mitigation Monitoring and Reporting Plan, and Notice of Determination for this Proposed Project has been prepared in accordance with CEQA.

Per previous Board direction, staff contacted a representative of the Jackson Band of Miwuk Indians to solicit further input informally outside of the AB52 process. Project information was provided to the tribe, and staff will report at the meeting whether any input was received. Per the oral request of the tribal representative, staff has added the Jackson Band of Miwuk Indians to the Agency's list of tribes requesting consultation for projects in the future.

Financing and Construction:

The Amador Water Agency (AWA) received preliminary funding noticing through the United States Department of Agriculture Rural Development (USDA) program for the Pioneer Water Rehabilitation Project - Phase 3 (Project) in the total amount of \$6,927,000. Of this, \$3,014,000 is a USDA grant, \$1,976,000 was the original USDA loan, and \$1,937,000 was recently approved as a USDA subsequent loan. USDA will not fund staff time that would have been otherwise budgeted and paid for through operating rates.

In addition to the USDA funding, an AWA cost share of \$148,000 is proposed, consisting of AWA staff time (occurring in FY 20/21 and FY 21/22) and environmental work for the Tank IS/MND.

The Agency has to date spent \$443,891, most of which is eligible for reimbursement once the funds are obligated and the project is awarded.

The Project consists of the following improvements on the CAWP System: Construction of two one-million gallon welded steel potable water storage tanks to replace the existing Tanks A & B, onsite piping, and an approximately 2,000 foot potable water distribution pipeline along Elkhorn Court, Deer Trail, Oxbow Road and Prospect Place in the Pioneer Area of Amador County, California.

Bids for the Project, a public works construction contract, were publically noticed by AWA on May 8, 2020. On July 14, 2020, four bid packages were received and reviewed, ranging from \$5,166,054 to \$5,917,490. The apparent low bid was deemed non-responsive on July 28, 2020. The lowest bid from a responsive and responsible contractor, Resource Development Company, was \$5,388,430. **The bid is valid until November 13, 2020.** Project alternatives have been considered, including the full proposed project, a reduced project with only one tank being installed and no project alternatives.

The total estimated project costs are summarized below.

Approximately \$7,075,000 for the Project, including previously budgeted and expensed planning funds, construction, construction management, inspection, cost share and contingency.

USDA Grant:	\$3,014,000
USDA Loans:	\$3,913,000
AWA approved budget, FY 20/21:	\$61,000
AWA operating rates (staff time, FY 20/21 & FY 21/22):	\$87,000
	<hr/>
Total Estimated Project Costs:	\$7,519,000

Options:

The Board could decide to:

1. Adopt the proposed IS/MND and associated MMRP and authorize construction of the Project as requested above;
2. Direct additional action regarding the proposed IS/MND and associated MMRP; with direction the Project back at a future Board meeting; or
3. Not proceed with the Project.

Fiscal Impact:

The Project financing will result in USDA debt service payments increasing over the next two years, and then of approximately \$196,000 per year through 2061. Total cost of financing will be \$7,815,766. This commitment will limit the Agency's capacity for additional debt for other CIP projects at least through June of 2028, when outstanding DWR loans will be paid off. The Agency is forecasted to meet the debt service coverage requirement for the BNY 2016 Series A bond payment for the next two fiscal years. The coverage calculation beyond that will depend on future rates and budgets.

Not awarding the construction contract before November 13, 2020 will allow the current bids to expire, requiring additional administrative work and possible serious impacts on contract price and construction schedule to proceed with the Project.

Recommendation:

Option 1.

Prepared by: Rick Ferriera, Operations and Engineering Manager
Brandt Cook, Resident Engineer

STAFF REPORT

Adopt a Support Position on S. 4431 (Feinstein/Daines)

Requested Action: Adopt a position supporting S.4431, the Emergency Wildfire and Public Safety Act of 2020 (Feinstein/Daines) and direct the General Manager to submit a letter expressing the Board's support.

Summary: Senator Feinstein and Senator Daines (Montana) introduced S.4431 to promote fuel reduction projects and reduce the risk of catastrophic wildfires. Bill text and information is at <https://www.congress.gov/bill/116th-congress/senate-bill/4431?s=1&r=1>.

This bill is intended to address wildfire preparedness and response. Among other things, the bill requires the Department of Agriculture (USDA) to select three forest landscapes on which to conduct projects to reduce the risk of wildfire, restore ecological health, or adapt to the increased risk of wildfire due to climate change.

The bill would direct USDA and the Department of the Interior to expedite the placement of wildfire detection equipment in areas at risk of wildfire, expedite related permitting, expand the use of satellite data to assist wildfire response, and establish a center to train individuals in methods to mitigate wildfire risk.

The bill excludes certain forest management activities from environmental review requirements. Interior may make a determination that an emergency situation exists regarding National Forest System land and authorize specified emergency actions. Such a determination and such actions are not subject to administrative review.

Interior would provide grants, loans, and loan guarantees to support biomass conversion facilities. The bill allows the export of unprocessed timber of dead and dying trees from federal land in California.

Interior shall establish a grant program to assist in the development and utilization of innovative activities relating to workforce development in the forest sector, raise public awareness about the forest sector, and connect individuals to careers in the forest sector.

Background: This bill has been reported to this Board previously, and staff had noted that the County Board of Supervisors had not taken a position, desiring additional discussion. The principle concern raised was that the bill's activities toward fire risk reduction on the ground was too small. The Board of Supervisors have since taken a support position, viewing the bill as a step in the right direction, despite reservations about the limited scope.

Fiscal Impact:

None.

Reviewed by Committee: No.

Prepared by: Larry McKenney, General Manager