

IRISH BEACH WATER DISTRICT MINUTES

October 10, 1987

PRESENT: The meeting was called to order at 10:05 a.m. by Chairman Douglas Blair.  
Board Members Present: Blair, Wilfred Edelbrock, Charles Woodward and Gene Scaramella. Board Members Absent: Hays Hickey. Also Attending: Office Manager Ruth Lyman, Gary Jerrit, Counsel, Cora Matheson, Recording Secretary, Kathy Edelbrock, Betty Woodward, Grace Blair, Mary Scaramella, Marge and Ralph Lubeck, Chet and Dorothy Engle, Joe Costanza, Rex Dunning, Nancy Menken, Bettye Winters, Gussie Christensen, Margaret St. Clair, David Rosendale, Gertrude Elder, Bill Moores, Wanda Jerrit and James Counts.

MINUTES of the September 21st meeting: Scaramella corrected the minutes to read "Scaramella suggested" instead of requested under Replacement of the Office Manager. Edelbrock moved the minutes be approved as amended and Woodward seconded. Motion carried.

OLD BUSINESS:

INSURANCE CARRIER'S SAFETY INSPECTION - Barrel Lift: Information still needs to be obtained regarding a barrel lift and possible dock installation for action at next meeting.

UPDATE ON LAWSUIT AGAINST IBWD BOARD ACTION & BOARD MEMBERS: Judge ruled against the Board's action to change the voting basis. Recently, Mendocino Coast Properties' lawyer requested the lawsuit against the individual Board members not be dismissed. Then also brought an additional lawsuit to prohibit the Board from paying the State loan off early. Board voted in closed session to file a writ from the Court of Appeals in San Francisco asking for a stay of election; that the court determine that resident voting was appropriate for the District; lawyer fees from the other side, and also that they be required to pay the costs relative to voting on assessed value.

COSTS OF INCREASING PRESSURE FOR UNIT 4: Letter from Blair to Bill Moores requested the District be reimbursed for the installation. There was no written response, however, Gordon Moores did state he felt in the May 1981 minutes there was an agreement between the board and developer that developer would buy pipe and board would pay for costs of installation. May 1981 minutes were not found to contain this agreement. Board will still need a response from the developer.

PROPOSED BUDGET: History & Facts: Approximately one year ago, the Board instituted a new approach to budget. They froze employee salaries; decided to use volunteer owners for many projects; decreased engineering costs and submitted own master plan and have constantly looked for ways to control expenses.

Blair reported on water availability and usage which is pertinent to the Budget. He presented charts indicating water availability and usage taking into account higher summer use rate due to summer rentals and owners watering lawns and months of rainfall. First chart indicated June water usage and availability with a 15.77 gallon per minutes usage and 100 gallon per minute from Irish Beach Water source. In October, water usage is 10 gallons per minutes with an availability of 47.7 gallons per minute. In other words, at the highest and lowest usage, there is a favorable situation. Board does not expect to incur any large expenses for water needs at any time in the long future. Keeping funds in the bank to develop water sources that may never be needed would be fiscally irresponsible.

If future water source should need to be developed, consideration should be given to the stream that feeds the lake (which runs over 4.2 gallons per minute in October this year); a well in Unit #8 which might be revived. The District owns the water rights to 20.83 gallons per minute from Mallo Pass.

Presentation of Budget: Woodward distributed copies of the proposed budget. In an effort to cut expenses and allow for future expenses not covered in previous budgets, the Operating Budget provides only for maintenance items (small expenses) and labor. Capital expenses are provided in another area of the Budget. Major expense is the loan payment which is \$7,350 per year with a payoff in 1991. Paying off the loan early will eliminate the \$15/monthly charge for handling the funds on deposit with Security Pacific National Bank, the fiscal agent for the loan.

Major replacement items were given a life expectancy and replacement funds allowed under Capital Replacement. The annual state loan payment is \$11,553.26, but if the District makes an early payment of \$91,786 from Cash Assets, it would leave a loan balance of \$36,314. The loan payment would be \$7,350 yearly to be paid off in 4 more years. During the next 5 years, the District will accumulate \$81,130 in the Reserve account. This plan assumes no increase in future income. The Board has stayed within its income in the fiscal year just ended. The Board is current with all accounts and is a good credit risk.

Question and Answer Period on the Proposed Budget produced these answers: Balance of the loan would be paid off in the fourth year as projected on this budget. The interest that would not have to be paid by paying off early would be \$77,000 minimum. The Board fully expects to reduce the standby fees when the loan is paid off. Not only will the Board be saving interest, but the \$7,350 a year payment is eliminated each year. The present Board did not institute the standby fees, but will try to reduce them. Bill Moores passed to the Board his study regarding financial status of home owners and lot owners.

Legal Counsel Gary Jerrit asked Bill Moores to refrain from his questions regarding the Board's ability to pay possible legal fees since this is related to an issue in court and communication should be through the attorneys.

Gene Scaramella asked for a clarification of the lawsuit, and it was explained that the lawsuit restrains the actual check for paydown of the loan to be signed until after a hearing. It does not restrain the Board from approving the budget or from approving a plan to pay down the loan early.

Chairman Doug Blair declared the Public Session open at 11:08 a.m.: Mrs. Elder expressed her concern for funds to make water available to bare lot owners. Bill Moores expressed concern that the proposed budget does not allow flexibility, that it will allow a rate increase when funds are spent for an early paydown of State loan, that it does not allow for future legal expenses; and that a joint venture between MCP and the Board could develop Mallo Pass at a preliminary projected cost of \$150,000 and that he would know within a few months development costs. Nancy Menken stated she was in favor of the budget as proposed and Marge Lubeck complimented the board on the first succinct budget she has seen presented to home owners at Irish Beach. She stated that both lot owners and home owners she had talked to favor elimination of the State Loan assessment which would happen if the loan were paid off early. Ralph Lubeck stated he felt the board had inherited a poor water system that would not support 113 homes. Money was borrowed and less was spent than anticipated to create a system that was projected to support 200 homes. Director Scaramella stated that what is proposed here does not alter the balance sheet. If cash assets are taken to pay off liabilities, if the need arises later, get it at that time. This is a business. The business is to provide an adequate fresh water supply to all the residents who are here now and will be here. He believes the

proposed budget works in that direction. Woodward stated that even using a higher build out rate of 6 instead of the projected 4 homes per year, the 200 homes would be reached in 15 years and he projected that there would be approximately \$240,000 in reserves which would be adequate to handle any water development. Joe Costanza stated he and his wife were ready to sell after living here nine years due to the disharmony in the development and expressed that he felt that was caused by the developer. He stated there are For Sale signs everywhere and the development is getting a bad public image due to this disharmony. Betty Woodward felt that for the developer to sue board members who are hard working volunteers is not very good publicity for the development.

Chairman Blair declared the Public Hearing closed at 11:32 a.m.

BOARD DISCUSSION ON PUBLIC HEARING ON PROPOSAL: Edelbrock stated that a great deal of effort, consultations, etc. had gone into budget preparation including 5 years of previous budgets. He stated he was concerned with attorney fees. Blair stated that he feels the Board has a reasonable plan for buildout based on a lot of study and that the developer's motivation is a desire to keep funds available for a joint venture in developing Mallo Pass. The Board feels they can pay off the loan early, and eliminate the loan fee and lower rates. If the loan is kept for 30 years there is no way rates can be reduced.

Scaramella stated his displeasure at finding there is a subliminal antagonistic feeling, especially in reference to the developer. He has tried to be objective and has studied the issues. The basic issue is which plan is best for all of the owners. He feels that nothing is compromised by the proposed budget. He stated that a continued adversarial approach is going to decrease the values of property here and in reality hurt the developer more than the individual because they own a lot more land. There's too much controversy here to draw more buyers and home builders. Bringing lawsuits against individuals who are working to serve the people is not serving unity, cooperation and a desired community.

Woodward, speaking in behalf of Hays Hickey whom he spoke with regarding his input for the budget and again yesterday after the most recent lawsuit, said Hickey was very supportive of the budget and paying down the loan early. His only comment was that possibly the loan should be paid off in seven years instead of five to allow for attorney fees. Woodward spoke in hopes of compromise and negotiation. He recommended acceptance of the budget. Blair said that one of his reasons for opposing Board participation in the development of Mallo Pass is that the ongoing operational costs of pumping water uphill is expensive water.

After discussion regarding possible increase in legal fees, Scaramella moved that the paydown of the loan in the budget be reduced by \$10,000 to a reserve account for legal fees. Woodward seconded. Motion carried, all voting in favor.

Scaramella stated his appreciation to Woodward for the work done on the budget and his presenting it in a form everyone can understand. Blair and Edelbrock agreed. Blair also informed the group, that a five year history is in the computer now and next years budget will be much easier to prepare. Woodward complimented Ruth for her efforts.

Edelbrock moved that the 1987/88 budget as revised be approved with the understanding that no early payment on the State Loan will be made until after the Court ruling. Scaramella seconded. Motion carried with all voting in favor.

The meeting was recessed at 12:05 p.m. and reconvened at 12:15 p.m.

Blair called for a poll on the Board action on the budget. Everyone in the room indicated they were in support. Woodward remarked that a few people who left during the recess also indicated favor of the board action. The only exceptions, Bill Moores and Gertrude Elder.

REPLACEMENT OF THE OFFICE MANAGER: Scaramella recommended the new job title be "Office Manager and Administrative Assistant to the President". This job description includes the banking, general office, fiscal and secretarial and the added provision of administrative which would include presenting update information to the Board meeting as part of the agenda; status of current projects and other matters as the Board may direct. Issuance of Purchase Orders. Scaramella moved the recommendation as presented. Edelbrock seconded. Motion carried.

Woodward moved we accept the contract for Office Manager and Administrative Assistant with Wanda Jerrit, a CPA in accordance with the agreement - \$10/hr for an average of 82.5 hours a month, with an effective date of November 1st. Edelbrock seconded. Extra hours and office hours can be arranged and need not be part of the motion. A review is to be scheduled for six months and adjustments made at that time. Motion carried.

#### NEW BUSINESS:

Engineering Consultant to the Board: Woodward moved the IBWD hire Doug Blair at a cost of \$1 a year beginning November 27, 1987. Scaramella seconded. Motion carried.

Legislation to Change Water District Voting Procedures: Investigation will proceed on possibilities of ~~disbanding~~ the current IBIC and forming a community services district which would include a voting district. Board directed Jerrit to look into this.

Deannexation of Unserved and Unproductive Property in IBWD: Woodward stated that the property was secured originally to protect underground water supply. It was agreed that this will be discussed in the future.

Upgrading of System & Replacement Items: Scaramella moved approval of the facility maintenance authorization of \$5,000 per fiscal year. Edelbrock seconded. Motion passed. The list of items to be accomplished was read by Blair and is allowed for in the budget forecast for the next five years. A copy is attached to these minutes.

Water Rights to the Pomo Lake or Pomo Creek from I.B.I.C.: Nancy Menken asked for a proposal from the board to present to the IBIC board in January. Edelbrock will start the procedure of investigation into this.

Cathodic Protection: Edelbrock moved the contract to adjust this system be accepted for 1 yr, if Woodward finds after looking into it that it is necessary. Scaramella seconded. Motion carried.

Ralph Lubeck stated that regarding the action the Board took today on the budget, he wanted to thank them. "It took a lot of courage", he said. The audience concurred with a round of applause.

September 21st Executive Meeting Minutes: Edelbrock read the minutes of the Executive Meeting of September 21, 1987. Scaramella moved the minutes be approved as read. Woodward seconded. Minutes approved.

Marge Lubeck stated she would like to express her appreciation to Ruth Lyman for the work she has done for the Water District on behalf of all the water users at Irish Beach. Blair said he would like to take this opportunity to say that there has been no Irish Beach resident that has been as loyal to the affairs of Irish Beach as Ruth and that she has shown a real concern and dedication to the welfare of Irish Beach, even though she is not a resident. Edelbrock also added his words of approval.

Meeting adjourned at 1:20 p.m. on motion of Director Edelbrock.

Cora Matheson  
Recording Secretary

MINUTES OF REGULAR MEETING OF THE BOARD  
OF DIRECTORS OF THE IRISH BEACH WATER  
DISTRICT - SATURDAY, JANUARY 9, 1988

CALL TO ORDER

Chairman Eugene Scaramella called the meeting to order at 10:00 A.M.

ROLL CALL

All Board members were present: Eugene Scaramella, Wilfred Edelbrock, Charles Woodward, Marge Lubeck, and Reuben Balzer. Also attending were 14 property owners.

APPROVAL OF MINUTES

Director Lubeck made several corrections of the November 28, 1987 minutes which were duly noted. The minutes were approved as corrected upon Motion by Charles Woodward, seconded by Eugene Scaramella, and unanimously carried.

COMMITTEE REPORTS

Management Committee Report -see Agenda Item 8

Chairman Scaramella announced that Bob Smith has agreed to act as a consultant to the Board. Chairman Scaramella appreciated Mr. Smith giving the Board the benefit of his experience. Director Edelbrock moved that Bob Smith be appointed consultant and be covered by the District's insurance. Director Woodward seconded. Motion unanimously carried.

Septic Report

Director Balzer presented the Resolution Adopting Irish Beach Water District Policy Regarding Septic Tank Inspection and Pumping, No. 87-2. Director Balzer reported that he is also going to look into passing an ordinance regarding septic tanks because this will give the District more authority in enforcement. Director Balzer also reported that a letter was sent to the 35 homeowners who have not yet responded to requests for information regarding their septic tanks and that he is keeping complete records and files. Charles Woodward moved that the resolution be adopted. Marge Lubeck seconded. Motion unanimously carried. Director Balzer noted that since this is now 1988, the resolution should be numbered No. 88-1. Chairman Scaramella agreed and the resolution is to be No. 88-1.

Fire Report

Director Lubeck presented her fire protection report to the Board, with various exhibits. In her report, Director Lubeck stated that the Irish Beach Volunteer Fire Department is "next to non existent" which has led to increased fire premiums for homeowners as well as moratoriums by certain carriers. Director Lubeck proposed that the Board go on record that the Irish

Beach Volunteer Fire Department is now one of the District's priorities and adopt programs to bring the department up to acceptable standards. Director Lubeck proposed various needed programs and asked that ways and means to finance fire programs and acquisitions for the fire department be investigated. Director Lubeck's report was received with appreciation. There was discussion of ways to increase the Irish Beach fire rating.

Director Scaramella indicated that more community involvement was needed and that the Directors should call for volunteers. Director Lubeck announced that an organizational meeting was being held on Jan. 20, 1988 at 7:00 p.m. at her residence and called for volunteers to help in distributing flyers.

Director Lubeck moved that the District purchase a battery charger to ensure the availability of the fire engine in the event of an emergency. Charles Woodward seconded the motion with the amendment that the existing battery be checked out. A resident (from the audience) then volunteered a battery charger for the use of the fire department.

Corrected  
3-12-88

Director Lubeck suggested that volunteers who attend workshops and conventions on behalf of the District be reimbursed according to rates established by the District. Chairman Scaramella indicated that there should be a standard policy for all reimbursements. This matter was then deferred until a future presentation of a resolution on reimbursements, which will be presented by Director Lubeck.

There was a discussion on the adequacy of pagers and whether more pagers would need to be purchased.

Chairman Scaramella again thanked Director Lubeck for her report.

### Financial Report

Director Woodward stated that there would be no budget revision and that we would go with the one we have. Also, that the loan paydown will be going as planned.

Director Scaramella suggested that, pending developments, the Board should think about implementing the loan paydown by June 1.

Office Manager Wanda Jerrit presented financial statements for the fiscal years 1985/86 and 1986/87, which were previously handed out to the Directors. Chairman Scaramella moved that the financial statements be accepted. Director Edelbrock seconded. Motion unanimously carried.

Regarding the status of the County Audit: Office Manager Wanda Jerrit reported that the County Auditor has completed his audit of the 1986/87 and 1985/86 financial statements. The audit was a "clean" audit; however, the auditor is holding up his report until he receives an attorney representation letter from our attorney, Philip Berry, on our two lawsuits. The audit report is expected soon and the Directors will receive copies.

Chairman Scaramella presented a bill submitted by the County of Mendocino for the election costs, in the amount of \$3,774.19. There was discussion on whether this was a fair and reasonable billing, but the consensus was that the District had to pay it. ✓ Director Balzer moved that the District pay the bill. Director Lubeck seconded. Motion unanimously carried.

✓ Office Manager's Report - Purchase of Copier

Director Lubeck reported on the Toshiba copiers that she and Ms. Jerrit investigated; the best deal being the BD-4810. Director Lubeck moved that the District purchase the Toshiba copier BD-4810 in the amount of \$1,795 plus tax of \$107.70 for a total of \$1,902.70 from Network Systems. Director Balzer seconded. Motion carried with Director Woodward opposing.

Purchase of Computer Software- Office Manager Wanda Jerrit gave a presentation on the possible savings in labor costs if the customer data base and billing system were computerized. She requested that an amount be approved for the purchase of custom software to do this. She has received two bids from computer programmers, the lower bid being \$927. After discussion, Director Woodward moved that an amount of \$1,200 be approved for the purchase of computer software. This amount should cover the lower bid, plus leave an additional amount for later add ons, such as a general ledger program. Director Edelbrock seconded. Motion unanimously carried. ✓

CORRESPONDENCE

Chairman Scaramella noted that there were two items of correspondence:

- ✓ 1. A letter from Philip Berry, our attorney, returning the retainer of \$10,000 which we previously sent him.
- ✓ 2. Included in the letter from Philip Berry was a letter from SDIA, the insurance carrier, indicating their coverages and limits and responsibilities for defense.

These letters would be added to the District files.

NEW BUSINESS

APPROVAL OF THE MENDOCINO COUNTY LAND USE PERMIT #U35-87 FOR THE GARDEN AREA SITE AS LOCATION FOR MALLO PASS PROJECT SAND FILTER WATER TREATMENT PLANT:

Chairman Scaramella reported that the District has received requests from the County Department of Planning and Building and from Bill Moores, the developer, for input on the



✓ water for Irish Beach. This entails the changing of the wording on permits from "recreational" to "municipal". It also requires a fee of \$100.00, payable to the State of California for processing. Director Edelbrock moved that the fees be paid. Seconded by Director Woodward. Motion carried unanimously.

This completed the printed agenda.

Director Lubeck pointed out that the District did not have its own tape recorder and moved that a tape recorder be purchased for the exclusive use of the District. The cost not to exceed \$75. Seconded by Director Edelbrock. Motion carried unanimously.

✓ Director Lubeck also asked how long tapes should be stored. The consensus of the Board and general practice is that tapes are to be kept until the minutes are approved, at which time they are to be resued, erased, or destroyed.

✓ Mrs. Bettye Winters, resident of Irish Beach, requested that the District meetings be published in the I.C.O. on their "Calendar of Events".

There being no further business before the Board, the meeting was adjourned at 12:43 p.m.

Respectfully submitted,



Wilfred Edelbrock, Secretary  
prepared by Office Manager Jerrit

Approved as submitted \_\_\_\_\_

Approved as corrected X



Eugene L. Scaramella  
President

Irish Beach Water District

Management Committee

Chairman Scaramella's comments

For inclusion in January 9, 1988 minutes -Agenda Item 8

Our committee met 3 times, on 12/8/87, 12/19/87, and 1/4/88. Doug Blair resigned from the committee at the second meeting and left the meeting at the middle of the session. Director Woodward and I met with Bill and Gordon Moores after that.

At the first meeting, Dave Clark from the State Health Department was present at the start of the discussion. Also present was Howard Bashford, engineer for the developer, Bill Moores and Gordon Moores. The initial part of the discussion concerned engineering details for Malo Pass and the filtration plant. Also discussed with Dave Clark was the status of the State Health Department water permit and data we are to provide for water sources, usage, housing and occupancy in order to arrive at realistic standards. Mr. Clark has agreed to hold up processing the issuance of the permit pending completion of our negotiations with the Moores on the current project under discussion.

The major areas discussed with the Moores have been related to the source of supply for Unit 9. This primarily dealt with a suggested plan to use an existing well in Unit 9 to supply the needs for development there and to supply existing usage. This would postpone the necessity of developing the Malo Pass Diversion and filtration plant installation for some time. The well would be run at full capacity and serve as the supply source as long as it produced not less than 75% of the District's total needs. If the production falls below the 75% requirement, the developer must proceed with the Malo Pass project. The plans are quite detailed and involve parts of our 1974 agreement with the developer. Included in the proposals is a plan for the developer to establish a capital fund to provide the funds necessary for the Malo Pass project when it is required. A number of issues have been tentatively resolved for submission.

We have informed the Moores at the outset that our committee was not authorized to make any agreement and that our objective was to explore possibilities and develop a tentative plan that might be acceptable to the Board.

It is our intention to try to get a preliminary plan agreed to by our committee and the Moores. When this is done, it will be referred to attorney Weinberger for review, comment, and legal form. When this review is completed, the preliminary plan will be presented to the Board and public for comment and amendment before having the document formally considered by the Board.

I will give consideration to possibly rotating Board members on the committee as they may be helpful in broadening understanding. We are to meet again, but no definite date has been set.

alternate site B (garden area site) chosen for the location of the water treatment plant. The Planning Commission will consider any comments at their January 21, 1988 meeting. Chairman Scaramella then provided a brief description of sites A (the original site chosen by the developer) and B. The Planning Commission indicated in their correspondence that the option of locating the water treatment plant at the original site A was still available.

Chairman Scaramella stated that he would ask for comments from the audience in the following manner. Those wishing to speak in opposition of changing the site from A to B, or opposing site B; second, those who wish to speak in support of site B. The public hearing would then be closed and the Board would then deliberate and vote.

Chairman Scaramella then asked for any comments, first, from those in opposition of site B. There being none, Chairman Scaramella asked for comments favoring site B. Ms. Beatrice Breese, property owner, spoke in favor. There were no additional comments. Hearing closed.

Director Woodward then made the following motion: "I move that the Irish Board Water District accept site B on permit #U35-87 and that a letter be sent to the Mendocino Planning Commission stating support of the alternate site B, Site A would not be acceptable." Motion seconded by Director Balzer. Discussion pointed out possible problem of gas storage tank removal. Motion carried unanimously.

Former District Chairman Robert Smith complimented the Board on their handling of the matter of the new treatment plant problem.

Director Woodward asked for a 5 minute recess before continuation of meeting. Chairman Scaramella called for a recess at 11:48 a.m. Meeting reconvened at 11:57 a.m.

#### PRELIMINARY REPORT OF MANAGEMENT COMMITTEE DISCUSSIONS WITH MOORES ON UNIT 9 WATER SUPPLY PROJECT

Chairman Scaramella gave a brief summary of the meetings held to date and the subject matter discussed at those meetings (Attachment A). Chairman Scaramella stated that the meetings were long and detailed and he was considering rotating the members of the Board off and on the committee to familiarize the Directors with the problems.

Director Edelbrock thanked both Chairman Scaramella and Director Woodward for the many hours they have devoted to this project.

#### AMENDED JOINT POWERS AGREEMENT WITH SDIA

Director Edelbrock stated that there was a change in the bylaws of SDIA. That change states that a District must give three(3) months notice of withdrawal from the program and that notice can only be given once a year. He saw no difficulties and

moved for acceptance. Motion seconded by Director Balzer.  
Motion carried unanimously.

LEGAL SERVICES AGREEMENT WITH SHUTE, MIHALY, & WEINBERGER/  
APPROVAL OF FIRST BILLING

Director Woodward asked that the agreement be signed. Director Edelbrock stated that any legal fees incurred by the District which are related to the developer's projects and developer's proposals ie Malo Pass, Unit 9, etc., should be paid for by the developer. Director Lubeck questioned the wisdom of this, stating that the attorneys would then be Mr. Moores' attorney because he would be paying them. Director Edelbrock stated it was standard procedure, upon agreement, to avoid present users from paying for the developers projects and that the accepted procedure was that the developer pay the District, who in turn pays the attorney.

✓ Director Lubeck moved that the District accept the services of the law firm of Shute, Mihaly, & Weinberger of San Francisco and that the agreement be signed and forwarded. Motion seconded by Director Woodward. Motion carried unanimously.

✓ Director Edelbrock then moved that the first billing to Shute, Mihaly, & Weinberger be approved. Motion seconded by Director Woodward. Motion carried unanimously.

Chairman Scaramella said that he would write to Attorney Berry on the present status of the litigations and their developments. He would request a written reply. He also stated that the Board may need to meet in executive session with Berry regarding negotiations and procedures in litigation.

Director Edelbrock moved that the District meet in executive session with attorney P. Berry regarding the status of litigation and future action. Motion seconded by Director Woodward. The question arose as to the Brown Act and proper notification i.e. must the public now be notified regarding meetings of executive sessions and, if so, how much notice, etc. Chairman Scaramella said he would call attorney Weinberger to clarify this matter. Motion was withdrawn by Director Edelbrock.

DUTIES OF INDIVIDUAL BOARD MEMBERS

Chairman Scaramella quickly reviewed the duties that he had assigned to each Director, and stated that he would have a regular item on the agenda for "reports" i.e. Treasurer, Fire Protection, Septic, etc.

MOORES CREEK APPLICATION

✓ This is part of the District's 5 year plan to guarantee adequate

MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS OF THE  
IRISH BEACH WATER DISTRICT  
SATURDAY, MARCH 12, 1988

CALL TO ORDER

Chairman Eugene Scaramella called the meeting to order at 10:00 A.M.

ROLL CALL

All Board members were present: Eugene Scaramella, Wilfred Edelbrock, Charles Woodward, Marge Lubeck, and Reuben Balzer. Also attending were 10 property owners, including Developer Bill Moores.

APPROVAL OF MINUTES

Director Lubeck made a correction to the January 9, 1988 minutes which was duly noted. The minutes of the January 9, 1988 meeting were approved as corrected upon Motion by Charles Woodward, seconded by Reuben Balzer, and unanimously carried. The minutes of the February 2, 1988 were approved as submitted upon Motion by Marge Lubeck, seconded by Wilfred Edelbrock, and unanimously carried.

ANNOUNCEMENTS

Chairman Scaramella announced the appointment of Director Balzer as vice president to the Board. Director Balzer would assist Director Scaramella in developing and administering water conservation plans, as well as assist in monitoring our 5 year Master Plan on file with the Department of Health Services.

Other announcements included:

Agenda Item 10 was removed from the meeting agenda.

Agenda Item 20 was moved up and inserted after Item 4

Agenda Items 15,16 would be discussed after the executive session.

REPORTS

Office Manager's Report

Approval of Expenditures- this was a first time procedure, and there was some disagreement whether it was necessary. Director Edelbrock questioned payment of Mildred Linville as independent contractor out of District expenditures. Office Manager Jerrit indicated that Mildred Linville would like to be paid as employee and that she (Ms. Jerrit) would also like her contract as independent contractor reviewed and that it would be more advantageous and proper for her to be paid as an employee. It was decided that Eugene Scaramella and Charles Woodward would look into both matters. The expenditures for January and February 1988 were approved, upon Motion by Reuben Balzer, seconded by Wilfred Edelbrock, and carried (4-1), Charles Woodward voted in the negative because he disagreed that this procedure was necessary.

Financial Reports - Office Manager Jerrit gave a brief update on the income and expenses year to date. Year to Date Income was a loss of \$5,474 and the Budget to February was over by \$6,679.

2/12/88

Audit Report - Office Manager Jerrit reported that the audit report by the County of Mendocino on our financial statements for fiscal years ending 9-30-86 and 9-30-87 has been received. No exceptions were noted by the auditor and his opinion of the financial statements is an unqualified opinion.

Septic Report

Director Balzer reported continued progress on the reporting of home owners on the status of septic tanks. Only 7 houses, the Irish Beach real estate office, and some of the condominiums have not complied.

Director Balzer will continue to work on the rough draft of the proposed ordinance covering septic tanks and obtain legal assistance as to the final form of the proposed ordinance and implementation; and in due course will present it to the Board.

Fire Report and Fire Protection

Director Lubeck submitted a detailed report dated March 12, 1988 regarding the efforts undertaken to reorganize the fire department and the status of the undertaking to obtain land for a fire house. Director Lubeck's report for the Fire Department was accepted by the Board for the District files.

She also updated her efforts to work with Mr. Morgan regarding updating fire insurance.

After discussion of other concerns, a Motion was made by Director Edelbrock, seconded by Director Woodward and unanimously carried to form two committees, the members of which are to be chosen by Director Lubeck (1) to study how to obtain a fire house site and develop suitable building plans; and (2) to form an auxiliary to assist the fire fighting activities of the department. The Board informally agreed to consider the financing of the fire department activities when more specific proposals are received from Director Lubeck's committees.

CORRESPONDENCE

Several pieces of correspondence received were reviewed, the only one of which requires future action is the notification of any potential lead hazards to water users (EPA mandated). Director Scaramella is working on defining and meeting our responsibilities and will report developments to the Board.

CONTRACT FOR INSPECTION FOR CATHODIC PROTECTION

It was informally agreed that the contract submitted to have this done was expensive for the services offered. Director Woodward agreed to formulate a plan to make inspection of the operation of the cathodic protection a part of the normal inspection of the tanks. This plan is to be submitted at the next meeting.

PROVISION FOR BUILDING LOADING DOCK AT TREATMENT PLANT

Directors Woodward, Scaramella, and John Acquistapace shall commence within the next couple of weeks to requisition the necessary materials and build the previously approved loading dock.

RESCISSION OF ACTION OF BOARD TO CHANGE BYLAWS REQUIRING RESIDENT STATUS OF BOARD MEMBERS

A Motion was made by Director Edelbrock, seconded by Director Woodward and unanimously carried that the resolution passed March 14, 1987, which would have amended the bylaws to require directors of the Board to be residents, be rescinded.

STATUS OF ELDER INN ANNEXATION

After discussion, it was determined that although a prior board in 1984 had approved the annexation of the inn site, a formal Board resolution had never been drafted or signed. LAFCD requires such a formal resolution. The applicants for the annexation did not attempt to resolve this disparity.

Because of the problematic nature of the situation, it was agreed that the applicants would provide to the Board their proposed application and map to be submitted to LAFCD.

A Motion was made by Chairman Scaramella, seconded by Director Woodward and unanimously carried, that the Board would discuss with Attorney Mark Weinberger the legal status of the situation.

If the materials of the applicant are submitted with sufficient time for review by the Board members, the matter will be put on the agenda of the May meeting.

REVIEW OF BOARD POLICY REGARDING CHARGES FOR APPLIANCE MALFUNCTION OR LEAKS

In a Motion made by Director Edelbrock, seconded by Director Lubeck, and unanimously carried, it was decided to continue to only allow deviation from set charges by a decision by the Board. It was further decided:

a. With regard to the house with a defective meter

Since the Board provided the meter and it is the basis of billing, it was decided to reduce the charge based on the average use for the 3 months prior to the 1987 pressure increase (the apparent cause of the defect). A new meter is to be installed at no expense to the homeowner.

b. With regard to the two vacant houses with high water uses caused by defective appliances.

Following a practice similar to PG&E, these bills will be reduced 1/3.

REVIEW OF RESOLUTIONS REGARDING REIMBURSEMENTS OF EXPENSES

Because of the lack of sufficient clarity and breadth of the existing resolutions, it was informally agreed that Director/Secretary Edelbrock and Office Manager Jerrit would develop a proposal resolution for the May meeting. It was agreed that Director Scaramella and employee Earl Lange who are shortly to take training in Santa Rosa from the State Water Quality Control Board will be encompassed by any resolution adopted by the Board.

DISTRICT PARTICIPATION IN IBIC "OPEN HOUSE WEEKEND"

At gracious invitation of Nancy Menken, the Board will open the Water Plant to visitors on Saturday April 30, 1988 from 10:00 A.M.-12:00 Noon and will exhibit the fire truck on Sunday, May 1, 1988 from 10:00 A.M. -12:00 Noon.

March 12, 1988

Page 4

REVIEW ACCESS AND SECURITY OF RECORDS AND FACILITIES AT WATER TREATMENT PLANT

Director Edelbrock and John Acquistapace shall make the necessary changes in locks/keys to satisfy the security concerns of the Board.

COMMENTS FROM THE PUBLIC

It was informally decided that Office Manager Jerrit would help John Acquistapace resolve his concern regarding the 10 days of vacation not used by him last year.

The Board then recessed at 12:15 p.m. to reconvene in Executive Session at 1:00 p.m. and to reconvene in public session at approximately 2:00 p.m.

The Executive Session started at 1:00 p.m. and adjourned at 2:10 p.m.

The Board reconvened the public session at 2:20 p.m. - *No ACTION WAS TAKEN IN THE EXECUTIVE SESSION. (Amended Corrected 5-17-88 Bd meeting)*

LETTER TO COASTAL COMMISSION ON CURRENT STATUS OF WATER SUPPLY FOR UNIT 6

Because no tangible progress has been made in the discussions with the developers (see "Negotiations with Developers" below), it was decided to have Director Scaramella send a letter to the Commission, indicating while we are still attempting to resolve our concerns with the developers, our concerns expressed in prior correspondence remain to exist.

With regard to a Cal-Trans encroachment permit required by the Moores for the Coastal Commission, the Board in a Motion by Director Woodward, seconded by Director Lubeck and unanimously carried; authorized Chairman Scaramella to sign the permit after checking with Attorney Mark Weinberger as to the advisability of doing so. Developer Bill Moores agreed to pay for this consultation (see "Negotiation with Developers" below).

ANNUAL CERTIFICATION BY DISTRICT SECRETARY OF ASSESSABLE AREA AS REQUIRED BY WATER LAW

Pursuant to the reasons set forth in Exhibit 1 attached, hereto, Secretary Wilfred Edelbrock certified pursuant to Water Code Section 35041 that he has inspected the assessable area within the Irish Beach Water district between January 1 and March 30, 1988. He further certified that at least 50% of the assessable area within the Irish Beach Water District is devoted and developed for residential, industrial, or non-agricultural commercial use or a combination thereof. Said certification is attached as Exhibit 2.

Developer Bill Moores objected to the certification because his oral request for a copy of the proposed certification was not met.

3/12/88



After discussion and an affirmative opinion of Attorney Gary Jerrit, it was determined that the certification was a ministerial function of Director/Secretary Edelbrock requiring no notice and that, in fact, Mr. Moores, because of his litigation against the District on this very point, had knowledge of the nature of the certification. It was appropriate for the certification to be made at this time to ensure compliance with the statute.

Upon Motion by Director Woodward, seconded by Director Balzer, and unanimously carried (the Directors polled themselves), the certification was accepted by the Board as prepared was true and correct.

ACTION ON EXECUTIVE SESSION DISCUSSION

Litigation

✓ Director Scaramella announced the decision of the Board made in executive session to have Attorney Berry to proceed defend the Board and the three directors involved.

Negotiations with Developers

Director Scaramella reported for the Management Committee. He gave a history of the negotiations and indicated that while five lengthy meetings were involved, and many aspects had been discussed and options considered; the Committee did not feel it was near resolution of the matter.

Director Woodward indicated his agreement and indicated while aspects of certain technical matters had been agreed on, an overall solution to the situation was not within grasp.

Developer Bill Moores made a presentation to the Board indicating the developers were flexible in their approach, including their willingness to abide by the 1974 contract; but that they needed a direction in order to meet their development deadlines.

The Moores anticipate a firming up of their knowledge of their procedure regarding future development after the April 12, 1988 Coastal Commission meeting. Bill Moores also acknowledged his prior commitment to pay the fees (of Mark Weinberger's firm) which are related to the negotiations. Office Manager Jerrit is to prepare and send him a bill.

It was therefore agreed by the Board to make one more attempt to reach agreement with the developers by holding a Board meeting on April 20, 1988. Director Balzer indicated that he wouldn't be able to attend, but trusted the remainder of the Board to handle the matter. Bill Moores indicated that he would submit his proposal and plans 8 to 10 days ahead of time to give the individual Board members time for review. Director-Chairman Scaramella indicated to Mr. Moores that if the materials weren't received timely, the meeting would be cancelled.

The meeting was adjourned at 4:25p.m.

3/14/88

Respectfully submitted,



Wilfred Edelbrock, Secretary  
prepared by Office Manager Wanda Jerrit

Approved as submitted \_\_\_\_\_  
Approved as corrected X



Eugene L. Scaramella  
President

3/14/88

STATEMENT FOR THE RECORD  
IN RE CERTIFICATION PURSUANT TO  
CALIFORNIA WATER CODE SECTION 35041

I am advised by legal counsel that the provisions of Water Code Section 35041, requiring that between January 1st and March 30th of each year the Secretary of the District (myself) "shall inspect the accessible area within the District," raises a mandatory duty which I am obligated to perform.

I am likewise advised by legal counsel that the "Interlocutory Judgment" which exists in Moore v. Edelbrock, et al., Civil No. 54638, is by its terms not a final judgment, and final resolution of any issue addressed therein will have to await full trial on the merits. I am also advised by legal counsel that there is sound reason to believe that the views of the Court expressed therein are erroneous in their interpretation of constitutional principles, the statute itself, and the facts, inasmuch as the ruling was made not upon a full record or consideration of all relevant facts which could be adduced.

Based upon these considerations and upon advice of counsel, I believe that the "Interlocutory Judgment" does not stand as a bar to my performing my mandatory statutory duty under the section. Further, upon advice of counsel, I believe that the performance of this duty goes to and is directly related to the constitutionally protected right to vote. The voters within the District are dependent upon the performance of my duty should

they wish to exercise their own civil rights in pursuing the matter further under that section and those which follow. Therefore, I believe that, a fortiori, I am compelled to act. The following certification therefore is made upon these premises and upon due consideration of my constitutional and statutory duties and rights.

CERTIFICATE OF THE SECRETARY OF  
IRISH BEACH WATER DISTRICT

Pursuant to California Water Code §35041, I hereby certify that I inspected the assessable area within the Irish Beach Water District between January 1 and March 30, 1988. I further certify that at least 50% of the assessable area within the Irish Beach Water District is devoted and developed for residential, industrial, or non-agricultural commercial use or a combination thereof.

March 12, 1988



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WILFRED C. EDELBROCK, Secretary  
Irish Beach Water District

IRISH BEACH WATER DISTRICT  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
SATURDAY, JULY 9, 1988

CALL TO ORDER

Chairman Eugene Scaramella called the meeting to order at 1:10 p.m.

ROLL CALL

All Board members were present: Eugene Scaramella, Wilfred Edelbrock, Charles Woodward, Marge Lubeck, and Reuben Balzer. Also attending were 5 property owners and Fred Morgan, Point Arena Fire Chief. Carter Arnold arrived later.

APPROVAL OF MINUTES

Wilfred Edelbrock MOVED that the minutes for the June 29 meeting be approved. The motion was seconded by Charles Woodward and unanimously carried. Director Edelbrock felt that the July 6 minutes should be reviewed by the District's attorney, Fran Layton. Therefore, the approval of the July 6 minutes were deferred to the next Board meeting. The office manager was directed to hold the minutes for one week for comments from the Directors, then send them to Ms. Layton for her review.

APPROVAL OF EXPENDITURES

Wilfred Edelbrock MOVED that the expenditures for May and June 1988 be approved. Motion was seconded by Reuben Balzer, and unanimously carried.

The Board directed the Treasurer, Charles Woodward, and Office Manager, Wanda Jerritt, to come up with a resolution for the next Board meeting settling down policies and procedures for the handling of delinquent accounts.

ANNOUNCEMENTS

Director Scaramella made the following announcements:

He updated the Board on the remaining lawsuit with the developers. Judge Cox had heard the case, and had taken it under advisement.

He was considering sending a newsletter with the next billing.

He expressed appreciation to Director Lubeck for her and her fire dept. volunteers' efforts which resulted in a blue ribbon in the Point Arena parade and the reduction in the insurance ratings.

He expressed appreciation for Betty Woodward in her efforts to straighten out the files.

He acknowledged Charles Woodward's efforts in the new agreement with the Moores and appreciated co-operation of the rest of the Board.

✓ He was pleased to announce that the first stage of the monitoring plan with the Dept of Health Services was completed and that the stream is doing better than last year.

Chairman Scaramella then submitted his written request for resignation as President of the Irish Beach Water District, effective 7-16-88; although he

would continue to serve on the Board. Director Edelbrock accepted the resignation for the Board with regret and expressed appreciation for Director Scaramella's captaincy during the stormy times.

Director Scaramella also acknowledged Director Balzer's help.

A member of the audience, Bea Bræese, expressed appreciation to Director Scaramella on behalf of the community.

Director Edelbrock MOVED to accept the resignation of Eugene Scaramella as President. Director Lubeck seconded and motion unanimously carried.

Director Woodward MOVED that Reuben Balzer be named acting chairman starting 7-16-88 until a new president/chairman is elected. Director Lubeck seconded and motion unanimously carried.

#### FIRE PROTECTION REPORT FOR THE IRISH BEACH FIRE DEPARTMENT

Director Lubeck presented her written report to the Board (Attachment A). She requested a consideration of new financing alternatives for the fire department. Directors Woodward and Edelbrock stated that the Board policy was to pay down the loan and lower standby fees and that a move in a different direction would require approval of the people of Irish Beach. Director Scaramella indicated that this matter needed to be addressed in the budget.

#### RESOLUTION THAT THE IBW&FD SUPPORT THE POINT ARENA "FIRST RESPONDERS"

Director Lubeck stated that the ambulance district voted for in the last election which serves the Irish Beach community does not have the fast response time needed for a medical emergency. She expressed appreciation to Drs. Rosendale and Balzer for their aid in emergencies. She stated that Fred Morgan and the Garcia Fire & Rescue had formed a group called the "First Responders" who have EMT I ratings and that in the 3 emergencies recently at Irish Beach, the "First Responders" got there first. She stated that the District had been approached to pay a portion of the costs of the "First Responders" and that the City of Point Arena had drafted an agreement for the District to sign.

Director Lubeck MOVED that "the Irish Beach Water and Fire Districts become a part of the "First Responders" program. That in becoming a part of this program we realize that there is a cost factor involved. We therefore agree to accept responsibility for one-third the cost for this program. In keeping with this motion the District agrees to sign the "Agreement for Rescue Services" along with the Mayor of Point Arena and the Chairman of the Garcia Fire and Rescue Board of Directors. That this action will take place on the first day of the fiscal year 1988-89." The motion was seconded by Charles Woodward. However, there was a discussion among the Directors as to the what actual costs were involved and how the costs would fit in the District budget. The Board decided that it would take the proposal under consideration for inclusion in the budget. Director Lubeck then withdrew her motion.

#### CONSIDERATION OF A PRELIMINARY BUDGET FOR THE IRISH BEACH FIRE DISTRICT

Director Lubeck presented a proposed budget for the fire department for the fiscal year 1988-89 totaling \$22,461. The Board took the budget under consideration for the next budget.

ADDITIONAL HYDRANTS IN UNITS 1,2, &3 AND THE RELOCATION OF TWO HYDRANTS

This agenda item was withdrawn, as it was already listed in the proposed fire budget under consideration.

CONSIDERATION OF BECOMING MEMBER IN THE MENDOCINO COUNTY FIRE CHIEF'S ASSOCIATION

Director Lubeck requested that the District join and pay it's dues, which are \$10.00 per year. The Board approved this request. Office Manager Jerrit was directed to follow up on this

CONSIDERATION THAT THE BOARD PROVIDE A PER DIEM TO TWO (2) OF OUR VOLUNTEERS TO ATTEND THE FIRE CHIEF'S ASSOCIATION MONTHLY MEETING

Director Lubeck requested that the Board approve the payment of mileage and meals for the fire chief and one other to attend the County Fire Chief's Association's monthly meeting. The Board approved this and Director Scaramella indicated that Board already had a policy regarding reimbursement of expenses and that no motion was necessary.

INVESTIGATION OF POSSIBLE LANDS SUITABLE FOR A FIRE STATION

Director Lubeck reported on several land sites under consideration.

ACTIVATING THE IRISH BEACH FIRE CODE ORDINANCE

Director Lubeck stated that the California Dept of Forestry only has jurisdiction over improved lots and that the IBWD fire code ordinance must have the authority for cleaning up the unimproved lots. The fire code currently provides for penalties of \$200 to \$500. Director Balzer indicated that we should immediately put the ordinance into effect and start enforcing the fire code ordinance. President Scaramella directed Marge Lubeck to pursue an enforcement program as needed.

The meeting recessed at 3:05 p.m. and reconvened at 3:16 p.m.

CONSIDERATION OF WORKERS COMPENSATION FOR VOLUNTEERS

This agenda item was discussed as a part of the proposed fire budget for fiscal year 1988-89. Currently, the volunteers are covered under a rotating schedule based on Director Lubeck's maintenance team schedules.

REPORT ON STATUS OF SEPTIC TANK INSPECTION AND CONDITIONS TO DATE AND DISCUSSION OF PROPOSED CHANGES IN 1980 RESOLUTION REGARDING SEPTIC TANK MAINTENANCE

Director Balzer reported that only 2 houses and 4 condos had not reported. Also, 4 houses which reported had not taken action and that 2 houses were overdue for pumping. The Board applauded Director Balzer for his efforts.

Director Balzer stated that the Board needed to rescind the January 88-1 resolution passed on septic tanks, as he subsequently discovered a previous resolution (80-2). He also needed to amend the 80-2 resolution to reflect current conditions. Chairman Scaramella directed that he prepare an amendment to be adopted at the next meeting.



CARTER ARNOLD DETACHMENT PROPOSAL

Director Balzer stated to Mr. Arnold that the Board's intent was to accept his proposal, but that the Board still needed to work out the procedural details. The Board decided to request that Mr. Dan Garvin of LAFCO attend the next Board meeting to aid the Directors in this. Also, Director Balzer indicated that legal advice would be sought from Attorney Maggie O'Rourke. Director Scaramella stated that Fran Layton needed to be notified of this, as she had previously been requested by the Board to research this matter.

CATHODIC DEVICE INSTALLATION ON WATER TANKS

Directors Scaramella and Edelbrock stated that this matter should be taken off Director Woodward's hands, as he is extremely busy.

Director Edelbrock MOVED that the Board accept the previously submitted Pennwalt Corp bid of \$485 for the annual inspection of the cathodic protection system, request Pennwalt Corp to resubmit it, and authorize the expenditure. The motion was seconded by Director Lubeck and unanimously carried.

SECURITY SYSTEM FOR DISTRICT PLANT AND FILES

Director Edelbrock reported that the project has been completed. Separate keys for the plant, storage room, and file room had been made. John Acquistapace, Wilfred Edelbrock, and Betty Woodward currently have a set.

CONSIDERATION OF A PRELIMINARY BUDGET FOR THE IRISH BEACH WATER, FIRE, AND SANITATION DISTRICT

There was input from various Directors regarding financial areas of concern. Director Scaramella indicated that the District was committed to finance development and hook-up of the #9 well. Director Lubeck had submitted her fire department budget requests under Agenda #9. Director Edelbrock stated that the District needed new tools and materials for a new roof for the back building. Director Woodward stated that the District needed a toolbox.

Chairman Scaramella was concerned that there was currently no procedure for monitoring meter hook-up for new houses and that the District needed to get its fees upfront. Director Edelbrock stated that the District should also require the new homes to submit septic tank layout plans upfront. Director Scaramella stated that the District needs to develop an application packet for the architectural committee to give to new home builders which includes an application form for water service hookup requiring:

1. payment of fees
2. submittal of septic plans
3. sign off of fire chief
4. possible water conservation requirements

Director Scaramella volunteered to work with Office Manager Jerrit to develop this packet.

Director Scaramella MOVED that the meeting be adjourned. Motion was seconded by Charles Woodward and unanimously carried.

Meeting adjourned at 3:56 p.m.

Respectfully Submitted,

Wilfred Edelbrock, Secretary  
prepared by Office Manager Wanda Jerrit

Approved as Submitted \_\_\_\_\_  
Approved as Corrected \_\_\_\_\_

President

MINUTES OF THE REGULAR MEETING OF THE  
BOARD OF DIRECTORS  
OF THE IRISH BEACH WATER DISTRICT  
SEPTEMBER 10, 1988

I. EXECUTIVE SESSION: An executive session pursuant to Section 54957 of the BROWN ACT to discuss personnel matters was held from 9:30 a.m. to 10 a.m. No action was taken.

II. OPEN MEETING

1. Call to Order and Roll Call: President Balzer called the meeting to order at 10:08 a.m. All four members were present: Reuben Balzer, Wilfred Edelbrock, Eugene Scaramella, and Charles Woodward. (Director Marge Lubeck had resigned the previous day.) Ten property owners were present.

ITEM NOT ON AGENDA: Resignation letter from Director Marge Lubeck was read and accepted with deep regret and with acknowledgment of her fine contribution to the District, particularly her dealing with fire protection responsibilities.

2. Minutes of special meeting of July 6 (which had been previously approved by Attorney Fran Layton) and regular meeting of July 9 were approved as read.

3. Election of President. Director Scaramella moved that Reuben Balzer be elected president of the Irish Beach Water District. Director Edelbrock seconded. Favorable vote was unanimous.

4a. Public Hearing regarding Detachment of Carter Arnold Property. This action was publicly noted in the Independent Coast Observer. No comments by mail were received. Comments and questions from the public were invited, but none were offered. Public session was closed.

4b. Resolution for Detachment of Carter Arnold Property. Director Edelbrock pointed out that a resolution passed today will be sent to LAFCO, then returned to the Board, and another resolution then adopted (which will be numbered 88-4). Director Edelbrock expressed appreciation to Mr. Carter for the time and expense expended since his request was initiated. The resolution was read aloud; acreage was corrected by Mr. Carter from 116.2 to 112.2.

Ralph Lubeck from the audience asked if the resolution covered fire protection and was told that fire protection and waste water disposal are excluded along with provision of water.

Director Edelbrock moved that the resolution of detachment of Carter Arnold property be accepted, but that investigation be commenced to be sure that the resolution includes water, fire and waste disposal so that there will be no miscommunication. Director Woodward seconded. Vote was unanimous. Resolution is to be signed after the meeting and delivered by Carter Arnold to LAFCO.

5. Letter of Commendation to Wanda Jerrit. Director Scaramella moved and Director Woodward seconded adoption of a letter of commendation for Wanda Jerrit. Director Scaramella added his personal appreciation for her help particularly during the negotiations with Bill Moores. Favorable vote was unanimous.
6. Employment of New Secretary and Bookkeeper. Director Edelbrock summarized the current situation. Tom Taylor is being used for guidance around the computer system. Linda Williams was employed briefly, but resigned. Director Edelbrock will interview Bill Reed and Elaine Belden. The office space at the treatment is very cramped but is being arranged to give maximum use of space. Director Scaramella moved that Director Edelbrock and President Balzer be authorized to interview and employ the office personnel required. Director Woodward seconded. Vote was unanimous.

## 7. Reports

- a. Director Scaramella summarized the 9/6/88 agreement and implementation. See Exhibit A.

He reported that Robert Lampe from the insurance company made an on-site visit and seemed impressed with the improvements made.

Director Scaramella, Earl Lange, and Rick Williams are taking an extension course for water treatment plant operator. (The only licensed operator now is John Acquistapace, and the District needs two or three licensed operators to meet the State Health Department requirements for permit.) They should complete the course by December and will apply to take the examination scheduled for March 13-18 in Santa Rosa.

Re water availability: Last year on September 17 the measurement of 47.8 gpm was the lowest ever measured. This year on July 4 the measurement was 79.2 gpm; by September 5 it was 45.1; on September 9 40 gpm. There is still plenty of water, but Director Scaramella is planning tentatively to put the pump into the lower diversion.

On September 5, 1988, of 114 meters, 98 homes were occupied. Average usage was 397 gpd. In July, with 95 homes occupied, usage was 273 gpd (divided by actual users) plus three non-resident hook-ups (IBIC, the pasture, and the office). Units rented over holidays often have 10 to 12 people per house, far above ordinary usage. State Health Department works with 320 gpd; District uses 350 gpd. It was agreed that the District will figure usage by number of hookups, but will also report occupancy numbers.

In discussion of the 9/6/88 agreement, Director Woodward added that on the eight parcels to be served by the District, each will pay ~~\$4500~~ <sup>\$3500.00</sup> for hookup, from the well or from Mallo Pass, totalling \$28,000. The District is spending \$25,000. for the well; eventually this cost will be offset by hookup fees.

Director Scaramella said he believes this agreement of 9/6/88 puts to rest the fear that there is insufficient water for full buildout; the water supply is now in the hands of the Board.

- b. President Balzer requested that whenever a Board member meets with William Moore, the Board member ask that Mr. Moore put his information or request in writing addressed to the Board.

He thanked the Board members for their efforts and said probably the average property owner has no idea of the time required. He especially thanked Bea Breese for her gifts to the District and to the fire protection service.

He thanked Director Edelbrock for moving to and rearranging the office. Use of this space will save the \$200. a month the Board has been paying for rented space. The office, while small, is adequate temporarily and will lead to conducting business in a more businesslike way with specified office hours. Telephone with an answering machine is being installed. Director Edelbrock has designed a new letter head showing the street address

He read a letter from former President Doug Blair, who writes that when he returns, he will again be willing to help the Board.

He read a letter from Special District Insurance Authority with recommendations: the Board to adopt a safety policy and assign responsibility for carrying it out to a member or committee; to replace the missing wall of the Unit 8 well house (Director Scaramella reported this has been done); to develop insurance requirements for all outside contractors. Mr. Lance enclosed, at request of Director Lubeck and Director Scaramella a list of covered property and premiums; Treatment plant, value \$75,000., premium \$641.; office contents \$4400., premium \$65.; total premiums \$706.

Director Scaramella said Mr. Lance doubted whether the wooden roof on the No. 8 tank was covered; Director Scaramella recommended that a value be placed on the roof and coverage obtained. There was discussion as to whether the roof is flammable, but no resolution.

Director Edelbrock requested that possible increase in E&O coverage be explored. President Balzer will write the insurance company.

President Balzer read a letter from Mendocino County Water Agency regarding an organizational meeting of all County water and sewer purveyors to be held September 13 at Brook Trails Lodge, Willits, with Dave Clark as speaker. President Balzer, and possibly Director Scaramella, will attend.

He read a letter from Mendocino County Administrative Office, Mary Spangler of the Augmentation staff regarding insurance allotment to be distributed in April, 1989. He will check into this matter.

He reported a water seminar conducted by North Coast Institute in Gualala on September 17. The Institute requested participation by a representative of Irish Beach Water District. President Balzer, possibly with Director Scaramella, will attend.

President Balzer introduced Tom Taylor, who will be doing bookkeeping for the District temporarily; his hours will be Monday and Wednesday, 9:30 to 11:30.

President Balzer said that exploration of water rights to Pomo Creek is continuing, not because the water is needed, but because it might be useful in an emergency such as fire. Obtaining the rights is a long process. The visit needed from Fish and Game has been made.

Re the attempt to change voting procedure from landowner to residential voting. He reported that Judge Cox has upheld the initial suit against the Board. Board members will see Attorney Berry in executive session in October to discuss options. Contacts with Dan Garvin regarding possibly becoming a community service district, and with Barry Keene regarding a legislative route are continuing.

- c. Secretary's Report. Director Edelbrock reported that John Acquistapace and Earl Lange have replaced the roofs on three outbuildings at the treatment plant, shelving has been installed, and the old storage building converted to office space. Director Woodward did the wiring. Trenching for the telephone is to be done next week.

He thanked Betty Woodward for rearranging and indexing the Board files and cautioned members to sign out for any files taken and to be sure that they are replaced correctly.

- d. Treasurer's Report. See items 14, 15, and 16 taken up later in the meeting.

8. Fire Department Report by Fire Chief Robert Smith.

- a. Chief Smith reported that the fire truck is being licensed.
- b. Regarding property from MCP for fire house: Chief Smith, with Ralph Lubeck and Rex Dunning have written to MCP that the Board will take no further action in this regard until it obtains property for the firehouse. This will require action by MCP Board, which meets irregularly. Smith, Lubeck and Dunning have reviewed old plans for the firehouse and have obtained some advice from Sea Ranch, and when property is obtained, will start work on plans and financing.
- c. The Department is concentrating on training people to operate the fire truck, do the hose drill, and provide first aid. Some training is in conjunction with Garcia and Pt. Arena. He doubts that the group at Irish Beach is capable of doing rescue work. Although they are losing volunteers, the six or eight now involved are very active.

Director Edelbrock said he has been in contact with the County of Orange people who are willing to provide surplus equipment at little or no cost, preferring to help small districts like ours. He will follow up with this.

Director Woodward favors joining Pt. Arena and Garcia on first response activity, at a cost to Irish Beach of about \$4000. initially and about \$1500. a year subsequently. He will need a decision on this for the coming year's budget.

- d. A Board member should be appointed to replace Director Lubeck in coordinating the work of the Fire Department. Chief Smith and Director Scaramella both commented on Director Lubeck's report of September 10, 1988, as a guide for future Fire Department operation.
  - e. Chief Smith requested that the Board include in the coming year's budget a specific amount for Fire Department operation.
  - f. Chief Smith thanked Charley Linville and Ralph Lubeck for making inspections of property for fire hazards, under the direction of the California Department of Forestry.
  - g. Ralph Lubeck from the audience supported Director Woodward's recommendation that the District join Pt. Arena and Garcia in first response program and commented that these two districts are always first to arrive with first aid in an emergency.
9. Violation of Fire Code by Kraft. Ralph Lubeck stated that a notice is going out to Dr. Kraft regarding his not having a spark arrester. The Kraft yard has been cleaned, but his debris is still in the road. Access to the beach by the septic service is impeded, and a fire truck might not be able to get through.

The Board agreed to notify Dr. Kraft that he is in violation of the fire ordinance, and that if he does not handle the matter before October 1, the District will have the road cleared and bill him for any cost.

10. Necessary Licensure of Fire Truck. This was covered under Item 8.
11. Revised Resolution for Septic Tank Control. President Balzer said that in 1980 the District set up a waste water disposal zone, and the resolution then passed covered everything necessary. A new resolution is needed now because some sections of the 1980 resolution no longer apply. Director Edelbrock moved that the new resolution be adopted, Resolution 88-5. Director Woodward seconded. Favorable vote was unanimous.
12. Policy on Dealing with Overdue Assessments. President Balzer read the Board's letter of July 31, 1988, to W. E. Moores regarding his delinquency of \$1794.26. Because of change in employees, he does not know whether Mr. Moores has responded. Director Woodward said that the Board has a policy on delinquent accounts, but that in recent months he, as Treasurer, has not been notified of delinquencies. He will follow up as to whether Mr. Moores has paid his account and will work with the new secretary and bookkeeper on a system for handling delinquencies, with recommendations for changing the old procedure if this seems advisable.
13. Payment of Cost of Pressure Equalization in Unit 4. President Balzer reminded the Board that the cost of pressure equalization was \$3261. On 10/5/77 former Board President Daugherty tried to get Mendocino Coast Properties to fix the pressure, but nothing was done about it. A year ago Doug Blair, then President, corrected the problem and requested payment from MCP. MCP attorney, Mr. Carter replied that MCP was not responsible. *Jan 1977,*
- Director Woodward said that Gordon Moores had claimed that a Board resolution passed in 1982 forgave the cost in return for some pipe transferred

to the Board. Directors Woodward and Edelbrock searched, but could find no such resolution. On November 16, 1987, Director Scaramella reported this to Gordon Moores.

Director Edelbrock suggested that a letter be sent to Gordon Moores, with copies to W. E. Moores and to Board Attorney O'Rourke, stating that unless this matter is taken care of within fifteen days, the Board will take legal action. President Balzer will write this letter.

- 14. Paydown of State Loan.
- 15. Financing of Fire Department Costs.
- 16. Budget for 1988-89 Fiscal Year.

Treasurer Woodward said that no action can be taken on the budget until the report is received for the final quarter ending September 30, 1988.

Director Edelbrock expressed concern that the public has not been informed by way of a news letter regarding what has happened since the election to date. He would like a questionnaire to be sent to property owners to obtain their attitudes toward paying down of the State loan, building a firehouse, and such matters. Treasurer Woodward agreed with this plan, but asked that the letter be sent after he has some solid figures to present in the letter.

Director Scaramella is concerned that people paying their water bill think they are paying only for water, and believes that the bill should indicate how much is allocated to fire protection.

After discussion Director Edelbrock moved that Items 14, paydown of State loan, 15, financing of Fire Department costs, and 16, budget for 1988-89 fiscal year, be taken up in a special meeting no later than October 8, 1988. Director Woodward seconded. All votes were in favor. The final budget will be presented in the regular November meeting.

Addendum to Item 6. Employment of New Secretary and Bookkeeper. Director Edelbrock moved that the Board employ Linda Williams for an orientation period in August and days worked in September at the contract rate prorated for the days employed. Director Woodward seconded. All voted favorably.

- 17. Director Woodward moved that the meeting be adjourned. Motion was seconded by Director Edelbrock and unanimously carried.

Respectfully submitted,

Wilfred Edelbrock, Secretary  
Prepared by Betty Woodward

Approved as Submitted \_\_\_\_\_  
Approved as Corrected \_\_\_\_\_

President




MINUTES OF THE IRISH BEACH WATER BOARD  
EXECUTIVE SESSION, SEPTEMBER 21, 1987

The Board met at 2:00 p.m. to discuss  
Judge Broaddus's unfavorable ruling in  
Moore v Irish Beach Water District.

Present were Directors, Blair, Woodward,  
Edelbrock, and Scaramella and the Board's Attorney  
Gary M. Jerrit.

✓ After discussion, it was voted by the Board  
3 - 0 (with Director Scaramella abstaining) to  
authorize the Board's attorney to seek a writ from  
the Court of Appeals in San Francisco.

  
Secretary

*file*

MINUTES OF SPECIAL MEETING OF THE BOARD  
OF DIRECTORS OF THE IRISH BEACH WATER  
DISTRICT - SATURDAY, NOVEMBER 28, 1987

PRESENT: The meeting was called to order at 10:04 A.M. by Acting Chairman Wilfred Edelbrock. All Board members were present: Reuben Balzer, Wilfred Edelbrock, Marge Lubeck, Eugene Scaramella, Charles Woodward. Also attending: Doug Blair, Engineering Consultant, John Acquistapace, Systems Manager, Betty Woodward, Acting Recording Secretary, and 16 property owners.

Chairman pro tem Edelbrock said that the official canvass of votes for Board members has been received from the County Clerk and that official numbers are available to any one interested.

ELECTION OF OFFICERS: *Scaramella* Director Edelbrock refused a nomination for Chairman. Director *Scaramella* was nominated for Chairman by Director Lubeck, seconded by Director Woodward. Director Scaramella was elected unanimously and took over chairmanship of the meeting.

Chairman Scaramella said he would defer until later any possible appointment of vice chairman.

Director Lubeck moved that other officers of the previous Board remain in place, i.e., Director Edelbrock as Secretary and Director Woodward as Treasurer, Assessor and Tax Collector. Director Balzer seconded. Motion carried.

Chairman Scaramella stated that for the first time to his knowledge the Board has the strong support of property owners and that the aim of the Board is to serve them in the best possible way. The objective of the Board is to provide good clean water at a reasonable price to all owners. While tangential matters may come up, this will be the primary goal.

MINUTES OF NOVEMBER 7 1987 MEETING: Director Edelbrock moved approval as presented. Director Balzer seconded. Motion carried

CORRESPONDENCE (summarized by Chairman Scaramella):

1. Letter from Bill Moores. Board was to have met with Mr. Moores on November 25; meeting was cancelled because Mr. Moores could not attend.
2. Letter from Eleanor Farnsworth, who expressed concern about water shortage in Irish Beach and that because she did not receive a proxy, she was unable to vote. She encouraged the Board to forget the recent controversy and address water shortage problems.
3. Letter from Hays Hickey to clarify his previous statement which was quoted by Director Woodward. (Letter made part of minutes.) Hickey recommends that sufficient money be set aside to guarantee lot owners adequate available water and for attorneys' fees, including those of the developer if the court rules the Board must pay.

*Corrected  
1-9-88  
Board  
meeting*

Director Woodward said that Mr. Hickey had received a copy of the proposed budget ten days before they discussed the matter by telephone. In that conversation Director Woodward said there was no mention of the developers' attorneys' fees.

4. Letter from Beatrice Breese expressing opposition to the location of the proposed water treatment plant. Letter was made part of minutes.

5. Letter from Reese Tripp regarding placement of the Fire Department and the commercial development on Unit 6 (made a part of minutes). Director Woodward said that Mr. Tripp substantiated his complaints, that Bill Moores had written to the Coastal Commission that a majority of local residents want the fire department south of Irish Gulch, and that he (Woodward) has written as Fire Marshal to the Coastal Commission to say that no one had contacted or consulted with him about this matter.

6. Letter from developer. Director Edelbrock reported that the developer is seeking a person to serve on the Architectural Committee. Applicants should send a resume to the Committee, which has its next meeting on January 16. Director Woodward urged that a resident apply for the position.

7. Letter from insurance carrier. Director Edelbrock reported that the policy is being extended for one more year, in spite of the current litigation, with an additional \$100 fee because of overall rise in costs.

ASSIGNMENTS OF DUTIES TO OFFICERS AND MEMBERS OF THE BOARD:

Chairman Scaramella assigned the following responsibilities: Director Woodward to be responsible for operations; Director Edelbrock to continue secretarial duties; Director Lubeck to handle fire administration; and Director Balzer to handle waste disposal program and related activities.

Chairman Scaramella will work with Director Woodward on operations and on developing projects now being planned.

These assignments are temporary, subject to revision within six months.

REVISION OF BYLAWS suggested by Director Woodward. Board members agreed that current bylaws are poorly written and contain inconsistencies and duplications. Director Edelbrock said that revised bylaws, in addition to being submitted to the Board and membership, will have to be approved by the County Board of Supervisors. Director Lubeck said that in addition to by-laws, which should be rigid and difficult to change, the Board will also need rules of procedure, which are flexible and can be changed as needed. Chairman Scaramella

*Corrected  
1-9-88  
Board  
meeting*

available to

✓ would also like a manual to include the Board's objectives and directions.

Scaramella asked Directors Balzer and Edelbrock to work on this project, making periodic progress reports, with a target of having a preliminary draft in June 88, for approval in July 88.

#### FORMULATION OF POLICY REGARDING PUBLIC INPUT TO THE BOARD ON BOARD BUSINESS

For more orderly conduct of meetings, Chairman Scaramella would like individuals wanting to discuss Board business to give his/her name and item to be addressed in advance of the meeting. Director Lubeck suggested that each speaker identify him/herself by name, along with whether the speaker is a lot or home owner, full-time or part-time resident. Dir. Edelbrock suggested that a parliamentarian be appointed. Chairman Scaramella concurred, will take the matter under advisement, and decide at January meeting.

Director Balzer recommended that public input be limited to five minutes. Chairman Scaramella said it is difficult to determine from the minutes when an initiated item requires further action. He would like the Recording Secretary to make notes on action to be carried forward as old business to subsequent meetings.

Director Woodward said working committees should be set up to deal with legal and technical matters. Such committees must be clear about Board policies so that they will know at what points they need Board approval. He recommended that Board policies be gathered together.

✓ Chairman Scaramella said it is impossible for the Board to meet on every issue, but it still must operate within the constraints of the Brown Act. In addition to the By-laws Committee just appointed, the Board may need an Administrative Management fact-finding committee of two people, to report back to the Board but not to make decisions, and a policy committee. Director Edelbrock said that since the Board has no administrator, fact-finding now falls on the shoulders of the Chairman, who would need some one to share administrative responsibility in matters that do not require full Board action.

Director Woodward said a committee has to be able to make some decisions based on Board policy, and that the Board should not conduct a series of special meetings under crisis situations. Director Balzer said current bylaws specify which matters justify meetings outside regular meetings. Doug Blair agreed that the Board should stick to regular meetings, but to avoid special meetings. The Board would need a committee to deal with issues between meetings, such as working with the developer on matters like Mallo Pass, Unit 9, and the land use amendment. Chairman

Scaramella agreed that routine and technical matters could be decided by committee, but not matters that involve funds or other Board responsibilities. Director Lubeck, in view of past experience with unilateral decisions, urged that all final decisions be made by the entire Board. The location of the filter plant, for example, was acceptable from an engineering standpoint, but other problems have arisen.

Director Edelbrock believes that technical problems around engineering matters need to be worked out by experts, with a final package acted on by the Board.

Chairman Scaramella decided that the Management Committee will consist of himself and Director Woodward, with Doug Blair as a consultant. Chairman Scaramella and the Board agreed that the committee will be limited to the specific activity of using Doug Blair's help in development of a plan for Mallo Pass and Unit 9.

Bea Breese (non-resident home owner) said she would appreciate longer notice of coming meetings. Director Edelbrock said the Brown Act requires notification a week in advance. Director Lubeck suggested that in the next general billing letter, dates of regular meetings should be listed.

Bea Breese asked about the Board's activity in relation to the treatment plant hearing, scheduled with the Planning Commission by Bill Moores for December 3. Director Woodward suggested that the Board meet in seven days with Bill Moores, Howard Bashford, Moores' engineer, and David Clark from the State Dept. of Water Resources, to deal with this left-over crisis on the open space.

Gordon Moores said they will try to delay the hearing to the 17th of December, that the developer is not ready with the engineering, but needs a use permit for the location. For this to be heard by the Coastal Commission, it has to reach them for one of their twice-a-year meetings on land use.

Jim Phelps (non-resident home owner) said he understands that before the Planning Commission approves a use permit, final plans are to be reviewed and approved by the Irish Beach Water District. He asked that the Board issue a statement that it has not approved the plan and will not do so until it has adequate time and resources.

Director Lubeck said that to her knowledge this plan and its placement was never presented to the Board and that the Board's responsibility is not just to provide a good water system but also to consider land value and aesthetics of Irish Beach. Director Edelbrock agrees that aesthetics is a Board concern, ~~but not the placement of the plant.~~ Director Woodward agreed the plan was not presented to the Board, that the Board was actually denied any plans until after it was proposed to the County. He feels the location is the Board's concern because discharge of the water has to be considered, and that for the land use permit, the Board is concerned about whether the plant will function.

Corrected  
1-9-85  
Board  
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deleted

Director Balzer moved that the Board write a letter to the Planning Commission that the Water Board of Irish Beach has not had time to consider the full implications of this plan and cannot now make a decision as to its placement or its acceptability. Seconded by Director Lubeck.

Doug Blair reminded the Board that it did have adequate notice, that the Board analyzed the situation and responded to the proposal by letter and that all Board members have copies of the correspondence. The plan was not presented to the Board, but each member was polled and agreed with the letter and with the specific limitations, objections, and design changes, which have been forwarded to the Coastal Commission and to the Planning Commission.

Chairman Scaramella said that when comments and presentations were made, there was not an awareness that optional sites might be available.

Doug Blair said the Board requires three times as much space as the developer suggested, and there may not even be that much space in the currently proposed location. Limitations on the site were pointed out by the Board, but the latest drawings of a week ago ignored the Board's requests, which had been made in writing several months ago. So the Board can state to the Planning Commission that it has had no replies to its requests. The Planning Commission's letter to the Coastal Commission quoted sections from the Water Board's letter. The Board can withhold approval, and other matters can be brought in such as another location, which the Board's objections to the proposed site might have stimulated. The Administrative Committee should do a lot of groundwork and bring a proposal to the Board.

Jim Phelps says the staff report states that the Water Board approves the general location and that a larger area is requested. He distributed copies of his letter to the Irish Beach Water District (made a part of these minutes). He requested that the Board exercise its full authority and disapprove the proposal. He also believes that there are many unanswered questions in the use permit.

After further discussion by Board members, Director Balzer's motion was amended to read as follows:

Since the Board has received no reply from the developer to a number of the original objections raised in its letter to the Planning Commission about the location of the treatment plant at Highway 1 and Sea Cypress Drive, the Board requests that approval of this permit by the Planning Commission be denied until these details are provided, and because of the interest of the community as to this location, the Board cannot make approval until an optional site is considered. Directors Balzer and Edelbrock agreed to the amendment. Motion passed with no dissent. Chairman Scaramella will send a letter at once to the Planning Commission regarding this motion.

DISCUSSION OF CURRENT LITIGATION AND LOAN PAYDOWN AND OF THE FY 87/88 BUDGET

Director Woodward reported that he is revising the budget in view of events of the past three months. The Court is allowing the paydown of the state loan, although the lawsuits still exist against the Board and its members. The insurance company has agreed to pay the attorneys' fees so that the \$10,000 previously set aside by the Board will be released. Several minor items on the budget need revision as well, so a revised budget will be presented in January. Director Edelbrock added that while the judge is allowing the loan to be paid down, he pointed out that the Board members are still personally liable on the civil rights issue as well as attorneys' fees and future damages. Director Woodward said that the Board's attorney is attempting to have these issues set aside. Director Edelbrock suggested that revision of the budget is in order, but that it not be approved until the lawsuits are settled satisfactorily.

Director Edelbrock moved that the Treasurer be allowed to revise the budget and bring figures to the Board meeting on January 9th, 1988. Seconded by Director Balzer. Motion passed.

Director Woodward said that the situation has required use of a number of attorneys, all of them necessary. He entered into the record the billing rates of Mark Weinberg, an expert on State water law. His work is not related to the current suits, but is to avoid future problems. Employment of Mark Weinberg is deferred to January meeting since his letter was received too late to be included in this meeting's agenda.

Chairman Scaramella suggested that the \$10,000 being returned by Mr. Berry be reserved in a contingency fund.

Director Lubeck questioned the Board's carrying \$10,000 in a checking account at low interest. Director Woodward would review the bank accounts for better interest.

*corrected  
1-9-88  
Board  
meeting*

RESOLUTION REGARDING SEPTIC TANK INSPECTION POLICY

Chairman Scaramella and Gary Jerrit have distributed a resolution regarding this matter. Director Balzer said that he has learned that Mendocino Co. has only a recommendation, not a requirement, regarding inspection and that the resolution should be reworded accordingly. He added that as a recognized water district, the district can make this a requirement. Referring to item 6, page 3 of the resolution, Chairman Scaramella said this was included the resolution by Gary Jerrit. Director Balzer thinks this item protects the District in case some one is not in compliance. The Health Dept. would step in in case of a failure. Director Balzer suggested that the Board rewrite the resolution to require that the procedure of the resolution be followed. This item will be considered in January.

DECISION TO PURCHASE COPIER FOR DISTRICT

Following discussion, Director Edelbrock moved that Marge Lubeck work with Wanda Jerrit in purchase of a copy machine to be used in the office of the Irish Beach Water District at the Jerrit residence, at a price not to exceed \$2,500. Director Woodward seconded. Motion passed without dissent.

OFFICE MANAGER'S REPORT

Referring to the Schedule of Cash Assets, Director Woodward said that the two passbook accounts( one of which was left over from the special assessment) amounting to about \$4,000 will be combined into one account. C.D.'s are being turned over frequently until the budget is completed and approved. Wanda is revising the format of the financial statement, and with the computer will be able to pull up aging accounts immediately. The small amount of delinquencies (\$273) was attributed to Ruth Lyman's careful handling of accounts.

Wanda's report was accepted with appreciation.

ADDITIONAL ITEMS

Chairman Scaramella said the Board had received a conciliatory letter from Bill Moores asking to meet with the Board. Because of Brown Act constraints, the first tentative meeting time had to be cancelled. A subsequent meeting for 11/25 was cancelled by Bill Moores. After discussion, it was decided that the Administrative Committee (that of Scaramella, Woodward, and Blair) would meet December 7, 8, or 9 with Moores, Bashford, and Clark to discuss Mallo Pass only; any larger concept would be presented to the total Board by Bill Moores. Director Woodward will set up this meeting.

Corrected  
1-9-88  
Board Meeting

Director Edelbrock Moved to adjourn the meeting; seconded by Director Lubeck. Motion passed.

engineer for Mr. Moores

engineer for State Health Dept

Respectfully submitted,

*Wilfred Edelbrock*

Wilfred Edelbrock, Secretary  
prepared by Betty Woodward/W. Jerrit

Approved as sibmitted \_\_\_\_\_  
Approved as corrected  x

*E. L. Scaramella* 7  
Eugene L. Scaramella, President

11-28-87



MINUTE OF SPECIAL MEETING OF THE BOARD  
OF DIRECTORS OF THE IRISH BEACH WATER  
DISTRICT - SATURDAY, NOVEMBER 7, 1987

CALL TO ORDER

Chairman Douglas Blair called the meeting to order at 10:00 A.M.

ROLL CALL-DIRECTORS

Present: Douglas Blair, Wilfred Edelbrock, Charles Woodward,  
Eugene Scaramella

Absent: Hays Hickey

APPROVAL OF MINUTES

The minutes of the October 10, 1987 and October 28, 1987 meeting were approved upon Motion by Director Blair, seconded by Director Woodward, and unanimously carried.

LOAN PAYDOWN AND STANDBY FEES

The hearing in the lawsuit Moore v. Irish Beach #2, on whether to extend the temporary restraining order to a preliminary injunction, took place on November 6, 1987. The judge has taken the matter under consideration. Because of this status, no Board action was taken.

✓ After discussion, the Board recommended that the incoming Board review standby fees, what amount, if any, should be borne by unsubdivided areas within the District.

EFFECTS OF ELECTION AND TRANSITION TO NEW BOARD

The need for new and exiting Board members to file conflict of interest statements was discussed. The Office Manager will secure the necessary forms.

Upon Motion by Director Blair, seconded by Director Woodward, and unanimously carried; Will Edelbrock was designated as Acting Chairman upon Doug Blair leaving office until the incoming Board can elect its officers.

Upon Motion by Director Blair, seconded by Director Scaramella, and unanimously carried, it was determined that the new signators on the checking account shall be Wilfred Edelbrock, Charles Woodward, and Eugene L. Scaramella. Two of the three must sign.

It was decided to schedule a special meeting for Saturday, November 28, 1987 to organize the new Board. The meeting is to be held at 44151 Garcia Court, Irish Beach.

Discussion took place regarding the acceptance of Reuben Balzer's proposal regarding septic tanks. However, it was determined to have Eugene Scaramella, assisted by Gary Jerrit, present a formal resolution to the incoming Board.

#### OFFICE EQUIPMENT TRANSFER

In view of the fact that the new Office Manager, Wanda Jerrit, intends to purchase her own typewriter, it was upon Motion by Director Edelbrock, seconded by Director Woodward, and unanimously carried, that the District trade the District typewriter for the five drawer file cabinet owned by Ruth Lehman. It was agreed by all parties that both items were approximately equal in value (about \$250).

The new Office Manager, Wanda Jerrit, plans to provide a copier, for which the Board will pay a charge per copy. The Board also will pay for a private District telephone line, to be located in Wanda Jerrit's office. Other moving arrangements will be handled informally.

#### LAND USE PERMIT FOR TREATMENT PLANT

Because of lack of adequate notice of the location of the treatment plant from the County, the developers agreed to continue the matter before the County Planning Commission on December 3, 1987. The developers also agreed to meet with concerned property owners within the District (the meeting is tentatively set for Saturday, November 21, by Bill Moores.)

#### MALLO PASS PERMIT

Because the Coastal Commission needs to have the Land Use Permit approved for the treatment of water for Unit 9, this matter will also be delayed.

The Board also received a letter (Attachment to and made a part of the Minutes) from the developers, William and Gordon Moores, indicating their desire to settle their differences with the District. Upon Motion by Director Scaramella, seconded by Director Woodward, and unanimously carried, it was determined in the interest of opening communication that the Directors and Director-elect Marge Lubeck would meet with the developers upon the following conditions:

1. Prior approval of our attorneys gained.
2. There be no discussion on any issues related to pending litigation.
3. Discussions would not result in any policy formulations, decisions, or promises, since they will not be functioning as Board members but as executives and concerned citizens of the District.

#### POMO LAKE CREEK - WATER RIGHTS

It was determined that whatever rights in the creek held by the Irish Beach Improvement Club have expired. Will Edelbrock will submit the

necessary forms to amend the permit currently held by the District to take up to 15 gallons per minute from the creek for domestic and fire protection use.

LITIGATION-COST OF PRESSURE INCREASE

It was agreed not to take legal action at this time. A decision was made to write a letter to the Moores regarding the facts. Eugene Scaramella was designated to do the letter.

MOORES V. IRISH BEACH WATER DISTRICT #1 AND #2

Brief updates were given.

SYSTEM IMPROVEMENT, SOURCE DEVELOPMENT, AND CONSERVATION

After discussion, it was recommended that the incoming Board: carry through the Master Plan to develop new sources including investigating the well in Unit 8 and gaining water from Pomo Creek; develop a plan to conserve water; and at some date, study the possibility of using the underground storage of water during periods of high run-off.

John Acquistapace is to hook up a water meter to the Moores pasture.  
(It was previously determined not to charge a hook-up fee).

Respectfully submitted,

Wilfred Edelbrock, Secretary  
prepared by Wanda Jerrit, Office Manager

Approved as Submitted: \_\_\_\_\_  
Approved as Corrected: \_\_\_\_\_

Doug Blair, Board President

William M. Moores  
3880 Sleepy Hollow Drive 11/6/87  
Santa Rosa, California 95404  
707-526-3759

Board of Directors  
Irish Beach Water District  
Box 67  
Manchester, Ca. 95459

Dear Directors:

Congratulations to the incumbents and newly elected directors who have prevailed in the recent Water District election. We recognize that the victory was not by a small margin and that the directors have the confidence of a clear majority of the landowners. We expect to proceed from this point with that factor in mind.

It seems to me that it is time to end the current atmosphere of contention. Obviously the first order of business is to attempt to negotiate a settlement to the two pending lawsuits. Because these actions are directly related to the long term and short term approach to supplying water to both the pending lots and the small amount of additional development that has yet to be completed we suggest that these items be put on the table for discussion with a view to developing a new approach from each of our positions which is acceptable to both parties and which addresses the major concerns of each. I think we are aware of the basic

concerns and we have some thoughts and approaches to suggest. Equally, we are open to suggestions from the Board of Directors.

If you agree that it would be a worthwhile effort to see if we can't come to an agreement, please suggest a date and place to meet. I would like to have my engineer, Howard Bathford, attend at least a portion of such a meeting to discuss engineering concerns or to answer questions.

Sincerely,  
/

W. Moore


Endor Moore

MINUTES OF THE IRISH BEACH WATER BOARD  
EXECUTIVE SESSION, SEPTEMBER 21, 1987

The Board met at 2:00 p.m. to discuss  
Judge Broaddus's unfavorable ruling in  
Moore v Irish Beach Water District.

Present were Directors, Blair, Woodward,  
Edelbrock, and Scaramella and the Board's Attorney  
Gary M. Jerrit.

✓ After discussion, it was voted by the Board  
3 - 0 (with Director Scaramella abstaining) to  
authorize the Board's attorney to seek a writ from  
the Court of Appeals in San Francisco.

  
Secretary

MINUTES OF THE SPECIAL MEETING OF THE BOARD  
OF DIRECTORS OF THE IRISH BEACH WATER  
DISTRICT - TUESDAY, FEBRUARY 2, 1988

CALL TO ORDER

Chairman Eugene Scaramella called the meeting to order at 10:06 A.M..

ROLL CALL

Board members present were: Eugene Scaramella, Wilfred Edelbrock, Marge Lubeck, Reuben Balzer. Charles Woodward was absent. Also attending were 8 property owners.

CORRESPONDENCE

Chairman Scaramella reported on the following correspondence:

A letter was received from the Pacific Legal Foundation requesting information on service connection limitations by the Dept. of Health Services.

The Department of Environmental Health replied to our request for information on water wells within the District.

These letters would be responded to and added to District files.

ANNOUNCEMENTS

Chairman Scaramella informed the Board that the Management Committee had had 4 meetings to date with the Moores. He stated that there would be no future meetings until the current proposals had been digested and referred to legal counsel.

NEW BUSINESS

TO CONSIDER RESPONSE TO COUNTY PLANNING COMMISSION'S REQUEST FOR COMMENTS ON CASE # S 10-75 -REDUCTION OF THE NUMBER OF LOTS IN UNIT 9

Chairman Scaramella summarized the change being considered by the Planning Commission was a reduction from the original plan of 52 single family homes and 24 condos to a revised plan of 44 single family homes and no condos. He then opened the meeting for discussion.

Director Lubeck voiced fire protection concerns regarding the Unit 9 project. (See Attachment A). The other Directors also had concerns regarding adequate water supply, storage and distribution systems; sanitation; and road maintenance. Chairman Scaramella then stated that all major points of concern would be summarized and included in our response to the Planning Commission. (See Attachment B).

Director Lubeck then moved that the Irish Beach Water District go on record as supporting the reduction of Unit 9 (Case #S 10-75) from 52 single family residential lots and 24 condominium units to 44 single family residential lots

IRISH BEACH WATER DISTRICT MINUTES  
FEBRUARY 2, 1988  
PAGE 2

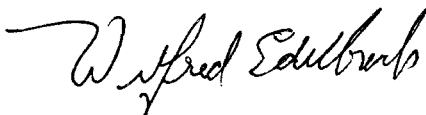
and no condominium units. She further moved that the Irish Beach Water District include in its approval those additional conditions discussed in the February 2, 1988 meeting. Those conditions include:

1. fire protection
2. water supply, storage, and distribution
3. sanitation
4. responsibility of storm drains and roads

Director Balzer seconded. Motion carried (4-0), with Charles Woodward being absent. Chairman Scaramella asked for comments from the audience. There were no comments from the audience. Chairman Scaramella then stated that he would draft a response to the Planning Commission and circulate it among the other Board members for review before mailing.

The meeting was then adjourned at 10:49 A.M.

Respectfully Submitted,



Wilfred Edelbrock, Secretary  
prepared by Office Manager Wanda Jerrit

Approved as submitted   
Approved as corrected

  
Eugene L. Scaramella  
President

2/2/88



Irish Beach Water District  
Special Board Meeting  
Tuesday, February 2, 1988  
Irish Beach

Response by Director Lubeck on the County Planning Commission's request for comments on Case #S 10-75, the reduction of the number of lots in Unit nine.

As to the proposed reduction of the number of units to be built in the proposed development I have no objections. However, in reading over the Planning Commission Minutes of January 20, 1977, at which time the Commission moved to recommend approval of Case #R110-75 for P-D Zoning, the following concerns and observations have come to my attention.

I have been given the responsibility of overseeing the Irish Beach Water District's fire protection program. During the time that I have been able to study the problems in this area the following concerns and observations should be brought to the attention of the Planning Commission.

1- The proposed development is situated on a knoll of unknown elevation. The road leading to the proposed development has a steep grade of unknown degrees. This road is classified as private. It is my opinion, and my opinion only, that this road will not become part of the county road system because the grade of the road is not acceptable to the county standards for easy maintenance.

The Irish Beach Volunteer Fire Department, in case of an emergency, is the nearest facility and would be the first to respond.

The only vehicle at Irish Beach, at the present time, to be used in that emergency is an old C.D.F. pumper truck with a capacity of 300 gal. of water.

Because of the age and weight of the engine, and the incline of the road leading to the proposed development, the response time would be slow. The best estimates I have been able to get are no sooner than 15 minutes, if there are no complications and personnel is available. (These estimates were given to me by Mr. Robert Smith and Mr. Ken Hofer of the I.B.V.F.D.)

Response time is crucial in an emergency.

Therefore I request that the Commission put such restrictions as are necessary to minimize a potentially dangerous situation.

Some possible solutions are:

a- A small fire truck could be located in the unit. This would allow personnel to activate emergency procedures while awaiting the larger equipment. This fire truck would have to be properly housed.

b- A fire hose could be installed at each fire hydrant. These could be installed in such a way that on site residents could activate the hose while waiting assistance. It is my understanding that this program was to be installed in the unit 8 facility. The reason for the unit 8 installation was similar to that of unit 9, i.e. a private, steeply graded road.

2- Water availability in case of a fire emergency is also crucial.

Three hundred gallons of water can be pumped out of the Irish Beach tanker truck in 3 to 5 minutes. The time to bring a fire under control can range from 5 minutes to an hour or more for a single family dwelling.

Fire hydrants must be properly installed, placed and provided with the correct pressure of water to be efficient.

The present water storage tank for the proposed Unit nine sits at the base of that proposed development. The water must then be pumped up to the unit.

I therefore propose that the Planning Commission place such restrictions on the developer to guarantee the availability of water at the site. The water must be under an acceptable rate of pressure to handle the fighting of a major fire.

These restrictions could be, but not restricted to:

a- A guarantee that the size of the pump has a capability of handling the greater demand in case of fire.

b- In case of power failure, which would deactivate the pump, an auxiliary source of power should be available.

c- The construction of a water storage tank well above the proposed site so that gravity flow would guarantee both the pressure and availability of water in case of an emergency.

3- Because of the above problems and the natural wind currents of the knoll I further suggest that the Commission restrict the use of flammable roofing materials, i.e. shake shingles etc. I suggest these restrictions be placed in the C.C. & R's of the proposed development and that the Irish Beach Architectural Committee be notified of these restrictions.

Marjorie A. Lubeck, Director  
Irish Beach Water District  
February 2, 1988

2/2/88

COPY

**Irish Beach Water District**

POST OFFICE BOX 67

MANCHESTER, CALIFORNIA 95459

February 2, 1988

County of Mendocino  
Department of Planning and Building Services  
Court House  
Ukiah, CA 95482

RE: Case #S 10-75

Dear Commissioners:

The Board of Directors of the Irish Beach Water District at a special meeting on February 2, 1988 passed a resolution supporting the proposals of reducing the number of lots in Unit 9 of the Irish Beach Subdivision from the original 52 single family residential units and 24 condominium lots to 44 single family residential units. The approval is subject to the following conditions:

1. Fire Protection: Buildings to have fire proof roofs, provision for adequate number of fire hydrants properly spaced, provision for some fire fighting capability within the proposed unit because the steep grade to the area will make the response time excessive. The availability of an adequate source of water and storage capacity, with sufficient pressure to meet residential, fire, and reserve needs must be assured.
2. The District reserves the right to approve plans and specifications for water source, storage and distribution facilities before installation and to approve acceptance only after satisfactory inspection by a qualified civil engineer.
3. The District must have assurance that the reduction in the number of lots will eliminate the necessity for the "Septic Field" originally proposed and that the individual septic tanks will satisfactorily meet applicable sanitary requirements.
4. The responsibility for the maintenance of private roadways to the development, storm drains, and flood control must remain with the developer until such time as a responsible successor is designated and is acceptable to the District.
5. The endorsement of the lot reduction as proposed does not extend to any other proposals for development.
6. We are in general agreement with the other conditions

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specified in the approval by the Planning Commission on January 20, 1977 of #RR 110-75 for P - D Zoning and to the extent applicable should be carried forward in the current proposal.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "E. L. Scaramella".

Eugene L. Scaramella, President

cc: Directors, Irish Beach Water District  
file

MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
IRISH BEACH WATER DISTRICT  
TUESDAY, MAY 17, 1988

CALL TO ORDER

Chairman Eugene Scaramella called the meeting to order at 10:00 A.M.

ROLL CALL

All Board members were present: Eugene Scaramella, Wilfred Edelbrock, Charles Woodward, Marge Lubeck, and Reuben Balzer. Also attending were 11 property owners and Mr. Carter Arnold. Arriving later were developers Bill and Gordon Moores and the District's attorney, Fran Layton.

APPROVAL OF MINUTES

The minutes of the March 12, 1988 and April 20, 1988 Board meetings were up for approval. Director Edelbrock amended the March 12, 1988 minutes. It was discovered that page 3 of the March 12, 1988 minutes were missing and Director Edelbrock MOVED that the approval of minutes be deferred until later in the meeting until they had had a chance to look at page 3,, seconded by Director Lubeck and unanimously carried.

The March 12, 1988 minutes were later approved (at 11:57 A.M.) upon MOTION by Director Woodward and seconded by Director Balzer, with Directors Edelbrock and Lubeck abstaining.

The April 20, 1988 minutes were later approved unanimously (at 1:15 P.M.) upon MOTION by Director Woodward and seconded by Director Edelbrock.

ANNOUNCEMENTS-STATUS OF UNCOMPLETED PROJECTS

Chairman Scaramella updated the Board on the status of projects of prior Board meetings:

1. Construction of Loading Dock: Chairman Scaramella stated that he was trying to locate a source of chlorine sold in smaller packs, so that the District would not have to build a loading dock.
2. Cathodic protection plan for water tanks: currently not yet done. Bob Smith, past president of the Board, stated that the District was supposed to get a one time follow up inspection from the installers. Director Woodward was directed to check on this.
3. Consideration of the formation of a community services district: still to be done.
4. Security locks on water treatment plant: currently not yet done.

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APPROVAL OF INSURANCE COVERAGE WITH SDIA

There was some question as to what coverage was provided for the fire truck and what the costs were for that coverage. This agenda item was then deferred until the next regular meeting in July, so that the answers to these questions could be researched. The SDIA request for information on fire engine drivers was approved.

CARTER ARNOLD DETACHMENT REQUEST

Mr. Arnold presented his reasons for wanting to detach his property from the District, one of which was that he did not want to be involved with the District's problems and just wanted peace of mind. He assured the District that he is furnishing his own water system and also does not expect any fire protection from the District. He also indicated that he had no interest in further development on his property and did not anticipate any water needs beyond personal domestic use. There was a discussion of Mr. Arnold's water rights. Director Edelbrock requested a more complete map of Mr. Arnold's property, which Mr. Arnold indicated he would supply.

Director Woodward MOVED that the matter be referred to the District's legal counsel for review and advice and have her recommendation before us for action at the regular July meeting. Director Balzer seconded and motion was carried unanimously.

FIRE DEPARTMENT ACTIONS

Director Lubeck asked the Board to approve the appointment of Bob Smith as fire chief and that the resignation of Frank Collins be accepted. She had hoped that Mr. Collins could have been in attendance today, so that the Board could properly recognize his contributions as fire marshall. Director Edelbrock MOVED that the prior appointments of Frank Collins as fire ~~marshall~~ and Ken Hofer as fire chief be rescinded and the appointment of Bob Smith as fire chief be approved. Director Balzer seconded and motion was unanimously carried.

*added at 6-29-88 Board meeting*

Director Lubeck related to the Board the difficulty of locating the fire hydrants and that various fire agencies recommended using blue reflector markers for locating hydrants at night. She asked that the Board approve the purchase of 50 markers at \$130.49 including delivery and sales tax. Director Edelbrock MOVED that the District purchase sufficient markers as needed at \$130.49 per 50 to service the District. Director Woodward seconded and motion was unanimously carried.

Director Lubeck then presented her report on fire department activity to date. She requested 9 fire department agenda items for the July meeting to accomplish her goals and this was duly noted. Director Balzer MOVED that the Board accept Director Lubeck's report and place it in the District files. Director Woodward seconded and motion was unanimously carried.

CONSIDERATION OF LETTER FROM GARY JERRIT REGARDING INTERVENOR ACTION IN MOORES V. EDELBROCK ET AL, CASE 54638

Mr. Jerrit has previously provided limited legal services to the Board with

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regard to Moores v. Edelbrock et al. Case 54638. He has been requested by a group of residents to intervene in Case 54638 and asked the Board in a letter to authorize his representation of the intervenors and to terminate his agreement with the Board to provide legal services for the Board (dated September 9, 1987). Director Woodward MOVED that the Board sign the authorization. Director Balzer seconded and motion was unanimously carried.

MIDYEAR FINANCIAL REVIEW AND APPROVAL OF EXPENDITURES MADE IN MARCH AND APRIL 1988

The financial statements as of April 30, 1988 was presented by Office Manager Jerrit. She reported a year to date net loss of \$7,049. A comparison of actual net income(loss) with the 1987/88 budget showed that the District was over budget by \$8,714. Treasurer Woodward reported that this was due in part to the unexpected election costs of \$4,097 for the last election. The Board then reaffirmed their policy on expenditure authorization: the Treasurer would authorize any expenditures up to the amount in the budget. Any expenditures over budget will have to be authorized by the entire Board. Director Balzer MOVED that the financial report be accepted and that also the expenditures for March and April 1988 be approved by the Board. Director Lubeck seconded and motion was unanimously carried.

CONSIDERATION TO PAY DOWN STATE LOAN ON JUNE 1, 1988

Director-Treasurer Woodward indicated that the consideration of the loan paydown would be deferred until after the preparation of the budget for the next fiscal year 1988/89. Director Scaramella appointed Treasurer Woodward, Secretary Edelbrock, and Office Manager Jerrit to a Budget committee to develop a suggested budget for the next fiscal year. Director Lubeck indicated that she would like to provide input on the fire department budget.

APPROVAL OF REVISED TERMS OF EMPLOYMENT FOR WANDA JERRIT

Director Edelbrock indicated that the main difference between the old contract and the one before them was that Ms. Jerrit would be paid as an employee rather than as an independent contractor. Also, she would be receiving \$120 per month as reimbursement for expenses related to the District using her home as the District office. There were other minor clarifications. Director Edelbrock MOVED that the former contract dated 10-10-87 be terminated and that the new agreement be approved. Director Balzer seconded and motion was unanimously carried.

Director Edelbrock also MOVED that Betty Woodward be hired at \$8.00 per hour to work with Director Edelbrock and Office Manager Jerrit in setting up a records management system and to organize District files. Director Balzer seconded and motion passed (4-0) with Director Woodward abstaining.

The meeting was adjourned at this point (12 NOON) for lunch and reconvened at 1:15 p.m.

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✓  
CONSIDERATION OF PRELIMINARY DRAFT OF AGREEMENT WITH MOORES ASSOCIATES  
COVERING DEVELOPMENT OF THE MALLO PASS PROJECT AND UNIT 9

The rest of the Board meeting was devoted to this agenda item.

Director Scaramella asked the District's attorney, Ms. Layton, if the letter agreement regarding payment of the District's expenses related to the Moores projects by Bill Moores had been signed. Ms. Layton stated that the letter had been drafted and sent, but that Mr. Moores had not yet signed. Mr. Moores then introduced replacement language which he wanted to substitute for the letter agreement. There was a discussion as to the scope of the letter agreement regarding payment of expenses by the Developer, as well as a discussion of the scope of draft agreement under consideration today regarding the development of Mallo Pass and Unit 9. Bill Moores also clarified to the Board that only he, and not Moores Associates, was involved in the Mallo Pass and Unit 9 projects. The Board rejected Mr. Moores' replacement language and Director Edelbrock MOVED that unless a letter agreement was signed, negotiations would be ended; the motion was amended to include a 7 minute recess to correct the name problem and obtain a signature from Mr. Moores. Director Balzer seconded. A roll call vote was called for:

Director Scaramella: Aye  
Director Woodward: Aye  
Director Balzer: Aye  
Director Edelbrock: Aye  
Director Lubeck: Aye

Motion passed unanimously and meeting was recessed at 2:20 p.m.

Meeting reconvened at 2:35 p.m.

Ms. Layton reported to the Board that she went over the key points in the letter with Mr. Moores and that the letter was signed by Mr. Moores. The changes made in the letter included that 1) Moores Associates was changed to William Moores and that 2) the agreement would terminate upon the completion of the water development agreement. Director Edelbrock MOVED that the Board accept the signed letter agreement and that it be used as a basis for billing Mr. Moores. Director Woodward seconded and motion unanimously carried. It was further decided by the Board that Mr. Moores would be billed in advance.

Director Scaramella then introduced Draft V of the water agreement (Attachment A) drafted by Ms. Layton for discussion and negotiations. The discussion and negotiations lasted until 11:00 p.m. The outcome was that Ms. Layton would redraft the agreement based on today's negotiations.

Some of the major points of discussion and negotiation which were voted on were:

1. There was disagreement among Board members as to whether the #9 well should be a part of the agreement. Director Lubeck MOVED that the #9 well be

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removed from the agreement and was seconded by Director Edelbrock. A roll call vote was called for:

Director Scaramella: No  
Director Woodward: No  
Director Edelbrock: Yes  
Director Lubeck: Yes  
Director Balzer: No

Motion did not pass.

2. Director Scaramella directed Ms. Layton to check into the legal contractual obligations of the District to the 11 acreage parcels with regards to the #9 well.

3. Director Woodward MOVED that Ms. Layton redraft her agreement to include a shared liability on failure on the #9 well and an appropriate understanding that future hookup is limited to performance. Director Balzer seconded and motion was carried unanimously.

Meeting was recessed at 6:30 p.m. for dinner and reconvened at 7:42 p.m.

5. The Board also polled themselves on whether the double lien upon the 44 lots in Unit 9 should be tentatively accepted as an appropriate method of security:

Director Lubeck: abstain  
Director Edelbrock: aye  
Director Scaramella: aye  
Director Balzer: aye  
Director Woodward: aye

The double lien method was tentatively accepted.

6. Regarding Modification of Project, Item 6 in the agreement, Mr. Moores did not want to pay for modifications to the project as proposed in the agreement. He proposed that he pay 100% of statutory changes required (Item 6(a)(2)) and that the District pay for any changes due to technological advances and changes to benefit the District as a whole (Items 6(a)(1) and 6(a)(3)). The Board polled themselves on whether to tentatively accept his proposal:

Director Lubeck: Aye  
Director Edelbrock: Aye  
Director Scaramella: Aye  
Director Balzer: Aye  
Director Woodward: Aye

Mr. Moores proposal was tentatively accepted.

7. There was disagreement among Board members regarding Item 9 of the agreement, which allowed that the District would not assess standby fees on any of the approved 44 lots in Unit 9 unless the lots had been sold by Moores. The Board polled themselves on whether the waiver of standby fees as written in Item 9 should stay in the agreement:

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Director Balzer: Aye  
Director Woodward: Aye  
Director Lubeck: No  
Director Edelbrock: No  
Director Scaramella: Aye

It was tentatively decided (3-2) that the waiver of standby fees should stay in the agreement.

8. Regarding access, Director Scaramella indicated that the current access allowed was inadequate and that the District needed an irrevocable long term agreement or assurance from Cal Trans regarding access and that a proper path needed to be constructed. Ms. Layton indicated that she would redraft the agreement accordingly.

9. There was a discussion regarding storage requirements. Director ~~Scaramella~~ <sup>Edelbrock</sup> ~~MOVED~~ moved that the storage requirement be kept at 125,000 gallons. Director Balzer seconded and motion was carried unanimously.

Corrected  
5-20-88  
Ed. mtr.

Other items discussed included defining Exhibits 2 and 3 which referred to the number of hookups the developer would be entitled to based on the estimated 144 possible hookups potentially provided by the 50 gpm authorized by the Coastal Commission. This was determined to be a maximum of 100 hookups.

To establish the basis to determine the amount of the money for the project trust fund, the developer was requested to submit the names of 3 qualified contractors who would bid on the project. The District would check references on the suggested firms for performance and other factors. If negative responses from references were received on any contractor submitted, a replacement would be provided. The middle bid submitted by one of the 3 approved contractors would be used as a basis for establishing the Mallo Pass Project Trust Fund after review and approval by the District's engineer. The amount establishing the basis of the cost would be increased by 7% to provide engineering, legal and administrative costs.

The shortfall in Units 1-4 was discussed but not resolved.

Counsel Fran Layton was requested to draft language covering reimbursement to the developer for hookups requested by property owners requesting service that are not now District customers. She was also requested to include coverage in the agreement for integration of the existing contracts by the developers with parcel owners Martin and Harrison.

Chairman Scaramella was requested to submit descriptive language covering the Unit 9 storage tank.

Ms. Layton also requested a proper description of well #9 to include in the agreement.

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The meeting was adjourned at 11:00 p.m.

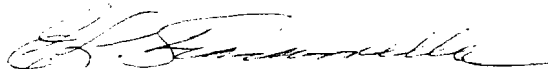
Respectfully Submitted,



Wilfred Edelbrock, Secretary  
prepared by Office Manager Jerrit

Approved as submitted

Approved as corrected



Eugene L. Scaramella  
President

5/17/88

MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS OF THE  
IRISH BEACH WATER DISTRICT  
JULY 6, 1988 (ADJOURNED FROM JUNE 29, 1988)

CALL TO ORDER

Chairman Eugene Scaramella called the meeting to order at 10:17 A.M. Chairman Scaramella announced that this meeting was a continuance of the adjourned meeting of June 29, 1988.

ROLL CALL

All board members were present: Eugene Scaramella, Wilfred Edelbrock, Charles Woodward, Marge Lubeck, and Reuben Balzer. Also attending were: Developers William and Tona Moores, Gordon and Sandy Moores; District counsel, Fran Layton; and District's engineer, Dan Counihan. 9 property owners were also present.

INTRODUCTION

Chairman Scaramella presented a short history of the series of meetings the District held with the developers starting in December 1987 to define the principles of the water development agreement being signed today. A total of seven meetings were held by the negotiating committee through February 9, 1988. The negotiating committee consisted of Eugene Scaramella and Charles Woodward. Doug Blair was also part of the negotiating team for the first two meetings. The board scheduled meetings on Feb 2, Mar 12, Apr 20, May 17, June 22, June 29, and July 6, 1988 to consider the water development agreement and the developer's proposals. The June 22 meeting was postponed and the June 29 meeting adjourned because the developer did not have the required documents needed to proceed.

He introduced Ms. Fran Layton of Shute, Mihaly & Weinberger, the firm hired by the District to work out the legal details of the agreement. Also introduced was Dan Counihan, the District's engineer, who will sign off on the Mallo Pass Project, the Unit 9 distribution facilities, and the #9 well.

REIMBURSEMENT OF COSTS

Chairman Scaramella indicated that previous advances by Mr. William Moores for reimbursement of the District's expenses related to his projects would probably not be adequate to cover expenses through June as the District had based its last formal demand to Mr. Moores for payment of expenses on an anticipated June 22, 1988 execution of the Water Development agreement. Because the required documents were not complete until July 6, 1988, there were an additional two weeks beyond the anticipated date for execution of the agreement during which the District incurred substantial legal fees. In addition, there would be an additional \$5,000 for engineering fees which would be needed. Chairman Scaramella stated to Mr. Moores that the District would be making a formal demand in the form of a letter to him by the beginning of next week for any balance owed by him. This demand would include the \$5,000 for increased engineering fees. Mr. Moores would have 21 days to make the payment, according to the letter agreement executed on 5-17-88 requiring Mr. Moores to reimburse the District for its expenses.

APPROVAL OF THE CONSTRUCTION AND ENGINEERING PLANS FOR MALLO PASS PROJECT, THE NO. 9 DISTRIBUTION FACILITIES, THE NO. 9 WATER STORAGE TANK, AND THE NO. 9 WELL SYSTEM

Engineer Dan Counihan presented a letter report on the Mallo Pass Creek facilities and Unit 9 Plus Well Systems dated 7-5-88 summarizing the results of his review to date. He gave a short summary of some of the technical requirements of these systems, and what would be provided by these systems. He recommended approval of all construction and engineering plans. Regarding the Mallo Pass facilities, he indicated in his letter that one or two design items needed completion, such as the chlorination system and materials submittals, but that they could be accomplished in a short time. Mr. Counihan recommended that the District require the developer to complete these items within 30 days. Regarding property and easement dedications, Mr. Counihan had reviewed them and recommended several revisions, which were made, and Mr. Counihan stated that he was satisfied with the property and easement dedications.

Reuben Balzer MOVED that the Board accept the Mallo Pass plans (Exhibit 6 of the water agreement) as approved by Dan Counihan, engineer, and that the District president be authorized to sign off on the plans. Charles Woodward seconded the motion and it carried unanimously.

Charles Woodward MOVED that the Board accept the construction and engineering plans for the Unit 9 water distribution system, the #9 storage tank, and the sketch plans for the Unit 9 well, as approved by Dan Counihan and that the District president be authorized to sign off on the plans. Reuben Balzer seconded the motion and it carried unanimously.

APPROVAL OF BID FOR MALLO PASS PROJECT (WHICH DETERMINES THE "TOTAL PROJECT COST" USED IN WATER DEVELOPMENT AGREEMENT)

The District had received 3 bids on the Mallo Pass Project of which the middle bid was \$161,525 by Mattern Construction.

Charles Woodward MOVED that the 3 bidders be approved as to quality and performance. Motion was seconded by Reuben Balzer and unanimously carried.

Charles Woodward MOVED that the Board accept Mattern Construction as the middle bidder and that the amount bid of \$161,525 be modified, as necessary, to establish the total project cost and to calculate the amount of William Moores' payments into the Mallo Pass Fund. The Motion was seconded by Wilfred Edelbrock, and unanimously carried.

Regarding his review of the bid amount, Mr. Counihan stated that the cost estimate issue was not yet resolved. He stated that the set of drawings bid upon by the contractors were incomplete and that the bids did not reflect the total project costs. He recommended several plan additions which would increase the bid cost by \$13,950. He also stated that the District is a public agency, and as such, is required to pay prevailing wage rates, which are higher than wage rates paid by private industry. He estimated that the prevailing wage rate paid would result in an increase in project cost of \$17,547. The total cost after these additions would be \$193,022 and Mr. Counihan recommended that this was the minimum amount which should be required of the developer.

Mr. Moores disputed Mr. Counihan's cost estimate and suggested that the engineers (Mr. Moores' and the District's) get together to come up with a revised bid. Ms. Layton stated that paragraph 4(b) of the water agreement allows for a 3rd engineer to determine an appropriate amount for the revised middle bid if the two engineers cannot agree.

Reuben Balzer MOVED that the Board accept the revised bid for the project as proposed by Mr. Counihan with the provision that the Board will enter into a letter agreement as a side agreement to the water development agreement, that in the event the ultimately revised middle bid is different from what was accepted today, the total and target project cost would be revised as determined under paragraph 4(b) of the water agreement to meet that provision. Charles Woodward seconded the motion and it unanimously carried.

Ms. Layton also reminded the Board that the Department of Health Services had not yet approved a permit for the Mallo Pass project, and that they may make comments and conditions on the approval of the Mallo Pass Project which would result in increased costs.

AMOUNT OF PERFORMANCE BOND

Charles Woodward MOVED that the Board use the cost estimate provided by Dan Counihan in the amount of \$102,500 as the basis for setting the amount of the performance bond required for the Unit 9 water distribution system. Reuben Balzer seconded the motion and it unanimously carried.

REVIEW AND APPROVE, BY RESOLUTION, THE WATER DEVELOPMENT AGREEMENT BETWEEN WILLIAM MOORES, ET AL, AND THE IRISH BEACH WATER DISTRICT.

Counsel Fran Layton went over the list of Exhibits(1 through 12) of the water development agreement with the Board and Mr. Moores to determine if all the key documents were present and that all conditions precedent to the District's approval of the agreement had been met by Mr. Moores. Ms. Layton reminded the Board that Mr. William Moores should also provide the encroachment permit, that the District has on-site fire safety measures qualifiers which need to be met, and that Mr. Moores needs to provide the performance bond. Ms. Layton also reminded the District that they need to notify State Water Resources Control Board of the assignment of the water rights in Permit 16622 to the District and that the District will be responsible for tracking the expiration dates of the permit.

Regarding Resolution 1988-2, RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRISH BEACH WATER DISTRICT ACCEPTING AND APPROVING THE WATER DEVELOPMENT AGREEMENT BETWEEN WILLIAM MOORES, TONA MOORES, MOORES ASSOCIATES AND THE IRISH BEACH WATER DISTRICT, Ms. Layton apprised the Board of several necessary changes to the resolution: 1) William Moores' attorney had not approved the agreement as to form;and 2) the agreements from parcel owners Martin, Harrison, and Soderberg(still in escrow) had not been provided. Mr. Moores agreed to get the signatures from the 3 owners.

Ms. Layton reminded Mr. Moores that as the proposed easements had been reviewed and approved by Dan Counihan, Mr. Moores needs to reserve easement rights through deed of trust, and that Mr. Moores needs to provide all easements regardless of who owns the property (the #9 well is on the Soderberg property).

Wilfred Edelbrock MOVED that the meeting adjourn for lunch. The motion was seconded by Charles Woodward and passed unanimously.

The meeting adjourned at 12:05 p.m. and reconvened at 1:07 p.m.

Chairman Scaramella at this point asked for statements from the Directors on the water development agreement. (Attachment A)

Reuben Balzer MOVED that the side letter agreement to the water development agreement include clarification that the portions of the water development agreement agreeing to provide water for the inn site and Unit 6 does NOT mean that the District will provide distribution lines, storage tanks, or contribute any costs related to Unit 6 or the inn site. Wilfred Edelbrock seconded the motion and it unanimously carried.

Director Balzer also questioned whether the 7% reimbursement provision to William Moores (page 24(paragraph 5(c)) of the agreement) was an annual rate or a one time fee. Charles Woodward MOVED that the side letter agreement include clarification that the 7% reimbursement rate on page 24(paragraph 5(c)) is per annum. Wilfred Edelbrock seconded and the motion unanimously carried.

Director Marge Lubeck requested a reconsideration of paragraph 9 (waiver of standby fees) of the water development agreement. She presented a written statement to the Board and stated that waiving the standby fees for Mr. Moores' lots in Unit 9 showed preferential treatment to the developer and was unfair to all other property owners. Director Lubeck then MOVED that the water agreement be rewritten to reflect that standby fees should and will be charged on all lots in Unit 9 upon the date of execution of the water development agreement. The motion died for lack of a second.

There being no other comments from the Directors, Ms. Fran Layton reviewed and summarized the changes in the final draft(Draft XII) from the previous Draft XI with the Directors.

Charles Woodward then MOVED that the Board of the Directors of the Irish Beach Water District accept BY RESOLUTION 1988-2 AS REVISED BY FRAN LAYTON(Attachment B) the Water Development Agreement between William Moores, Tona Moores, Moores Associates, and the Irish Beach Water District and approve the execution of said Agreement. Motion was seconded by Reuben Balzer and unanimously carried.

The meeting recessed at 3:10 p.m. for the notarized signing of various documents and reconvened at 3:40 p.m.

Regarding Resolution 1988-3, RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRISH BEACH WATER DISTRICT AUTHORIZING APPROVAL AND/OR ACCEPTANCE OF DOCUMENTS AND LETTERS RELATED TO WATER DEVELOPMENT AGREEMENT BETWEEN WILLIAM M. MOORES, ET AL., AND THE IRISH BEACH WATER DISTRICT AND TO APPROVAL OF IRISH BEACH UNIT #9 SUBDIVISION BY AUTHORIZED PUBLIC AGENCIES, Ms. Layton reported a change to the resolution to reflect that the revised middle bid as proposed by the District's engineer may be subject to further revision pursuant to paragraph 4(b) of the water development agreement.

Reuben Balzer then MOVED that the Board of Directors approve RESOLUTION 1988-3 (Attachment C) as modified by Fran Layton. Charles Woodward seconded the motion and it carried unanimously.

Ms. Layton then summarized the contents of the letters from the District which are before the Board for approval: the letter to the Department of Real Estate, the letter to the Department of Health Services, the letter to the insurance company regarding issuance of the performance bond, the letter to the County of Mendocino Planning and Building Dept, and the letter to the Coastal Commission.

Wilfred Edelbrock MOVED that the District's requirements for the CC&R's of Unit 9 include fire and water conservation qualifiers to be provided to the various agencies requiring them. Charles Woodward seconded the motion and it carried unanimously.

The meeting adjourned at 4:04 p.m.

Respectfully Submitted,

Wilfred Edelbrock, Secretary  
prepared by Office Manager Wanda Jerrit

Approved as Submitted\_\_\_\_  
Approved as Corrected\_\_\_\_

Eugene L. Scaramella  
President



RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRISH BEACH WATER DISTRICT ACCEPTING AND APPROVING THE WATER DEVELOPMENT AGREEMENT BETWEEN WILLIAM MOORES, TONA MOORES, MOORES ASSOCIATES AND THE IRISH BEACH WATER DISTRICT

BE IT RESOLVED by the Board of Directors of the IRISH BEACH WATER DISTRICT, in special meeting assembled on July 6, 1988.

WHEREAS, the IRISH BEACH WATER DISTRICT ("DISTRICT") and WILLIAM M. MOORES ("MOORES") have been involved in extensive negotiations since December 8, 1987 regarding the terms of a proposed Water Development Agreement ("Agreement") between the DISTRICT and MOORES which would provide the DISTRICT with an adequate water supply so that it could serve MOORES' proposed Irish Beach Unit #9 Subdivision; and

WHEREAS, MOORES has identified Mallo Pass Creek as the proposed water source for Irish Beach Unit #9 Subdivision ("Unit #9"); and

WHEREAS, MOORES must obtain the DISTRICT's agreement to provide water to Unit #9 before he can obtain his Final Map for Unit #9; and

WHEREAS, MOORES has complied with the following conditions precedent to the DISTRICT's approval and acceptance of the Agreement, including:

1. MOORES ASSOCIATES has assigned all of its rights, titles and interests in State Water Resources Control Board Permit No. 16622 to the DISTRICT; and

2. MOORES ASSOCIATES and WILLIAM M. MOORES and TONA E. MOORES have assigned to the DISTRICT all of their rights, titles and interests in the No. 9 well; and

3. The necessary individuals, corporations and partnerships have executed grant deeds conveying to the DISTRICT the fee simple title, easements and rights-of-way that are necessary to permit the DISTRICT to construct, operate and maintain the Mallo Pass Creek Water Facilities Construction Project ("Project"), the No. 9 well and the Unit #9 water storage tank and distribution system; and

4. MOORES has <sup>agreed to</sup> provided the DISTRICT with agreements executed by Kristine Elizabeth Martin and K. A. Soderberg, indicating their understanding regarding the DISTRICT's

obligation to provide them with water in the event that the No. 9 well fails after they have been connected to the well (MOORES is attempting to obtain a similar agreement from the executor of the estate of Deanne L. J. Harrison, recently deceased); and

5. MOORES has executed a first Deed of Trust, with power of sale, conveying to the DISTRICT a security interest in the lots approved for development in Unit #9, which Deed of Trust secures MOORES' obligation to pay to the DISTRICT the outstanding indebtedness for the Project, as well as MOORES' other obligations under the Agreement; and

6. MOORES has agreed to provide the DISTRICT with a performance bond for completion of the water storage tank and distribution system in Unit #9 and with a one-year maintenance bond to correct any defects in the installation of Unit #9 facilities and to correct defective materials used in the construction of such facilities; and

~~7. MOORES' attorney has approved as to form the Agreement between the DISTRICT and MOORES as indicated either by the attorney's signature on the Agreement or by a letter from his attorney stating that he has reviewed the Agreement, approves it as to form and will sign the Agreement as soon as he receives it; and~~

8. MOORES has provided the DISTRICT with the funds requested by the DISTRICT in President Scaramella's June 1, 1988 letter to MOORES to cover the DISTRICT's projected costs and expenses related to preparation of the Agreement, development of the Unit #9 facilities, development of the Project, development of the No. 9 well up to the time of the execution of the Agreement, and the obtaining of all permits and approvals for development of Unit #9; and

9. MOORES has provided the DISTRICT with his plans, engineering drawings and other documents for the Project, the Unit #9 water storage tank and distribution facilities and the No. 9 well and the DISTRICT's engineer has recommended DISTRICT approval of the plans, as revised; and

10. MOORES has provided the DISTRICT with the middle bid for construction and installation of the Project, the DISTRICT's engineer has reviewed the middle bid and the middle bid ~~has been revised, as necessary, to the DISTRICT's~~ ~~satisfaction~~; and

11. The California Department of Transportation ("CalTrans") has issued an encroachment permit to the DISTRICT which allows the DISTRICT to construct a path within the CalTrans right-of-way to provide the DISTRICT with unlimited access to the Mallo Pass Creek point of diversion; and

12. The State Water Resources Control Board has issued an extension of Permit No. 16622;

*Proposed by the District's engineer has been accepted by the District, with the condition that the accepted bid may be revised in accordance with paragraph 4(b) of the July 6, 1988 water development agreement;*

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the IRISH BEACH WATER DISTRICT hereby accept the Water Development Agreement between WILLIAM MOORES, TONA MOORES, MOORES ASSOCIATES, and the IRISH BEACH WATER DISTRICT, and approves the execution of said Agreement.

The foregoing resolution was on July 6, 1988 duly approved by a vote of five (5) for, 0 against, and 0 abstaining, by the Board of Directors of the IRISH BEACH WATER DISTRICT. This Resolution is effective as of the date of its adoption.

IRISH BEACH WATER DISTRICT

BY: [Signature]  
President

BY: [Signature]  
Secretary

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RESOLUTION OF THE BOARD OF DIRECTORS OF THE IRISH BEACH WATER DISTRICT AUTHORIZING APPROVAL AND/OR ACCEPTANCE OF DOCUMENTS AND LETTERS RELATED TO WATER DEVELOPMENT AGREEMENT BETWEEN WILLIAM M. MOORES, ET AL., AND THE IRISH BEACH WATER DISTRICT AND TO APPROVAL OF IRISH BEACH UNIT #9 SUBDIVISION BY AUTHORIZED PUBLIC AGENCIES

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BE IT RESOLVED by the Board of Directors of the IRISH BEACH WATER DISTRICT, in special meeting assembled on July 6, 1988.

WHEREAS, the IRISH BEACH WATER DISTRICT ("DISTRICT") and WILLIAM M. MOORES and TONA E. MOORES and MOORES ASSOCIATES have entered into a Water Development Agreement ("Agreement") this date which provides the DISTRICT with water rights in Mallo Pass Creek sufficient to enable the DISTRICT to provide water service to Irish Beach Unit #9 Subdivision ["Unit #9"]; and

WHEREAS, the DISTRICT has agreed to provide water service to lots approved for development in Unit #9 provided that all provisions of the Agreement have been satisfied by WILLIAM M. MOORES, TONA E. MOORES and MOORES ASSOCIATES; and

WHEREAS, MOORES ASSOCIATES has executed an assignment to the DISTRICT of all of its rights, titles and interests in State Water Resources Control Board Permit No. 16622, which assignment provides the water source capacity necessary for the DISTRICT to provide service to Unit #9; and

WHEREAS, the California Department of Transportation ("CalTrans") has issued an encroachment permit to the DISTRICT to construct a path within the CalTrans right-of-way to provide the DISTRICT with unlimited access to the Mallo Pass Creek point of diversion; and

WHEREAS, WILLIAM M. MOORES has provided the DISTRICT with grant deeds conveying to the DISTRICT fee simple title to the property on which the DISTRICT will construct the Mallo Pass Creek filtration plant as well as all easements and rights-of-way necessary to enable the DISTRICT to construct, operate and maintain the Mallo Pass Creek facilities and the Unit #9 water storage tank and distribution system; and

WHEREAS, the DISTRICT has reviewed the Unit #9 Improvement plan and CC&R's, has requested that Mendocino County impose two (2) additional conditions related to on-site fire safety, and has ascertained that the proposed on-site fire safety

measures within Unit #9, together with the two (2) additional conditions proposed by the DISTRICT, will be adequate; and

WHEREAS, the DISTRICT's engineer has reviewed the engineering plans and specifications for the Mallo Pass Creek diversion, treatment, storage and distribution facilities as well as the engineering plans for Unit #9 water storage tank and distribution system and the DISTRICT has approved such plans and specifications as revised in accordance with the comments from the DISTRICT's engineer; and

WHEREAS, WILLIAM M. MOORES has conveyed to the DISTRICT a security interest in all lots approved for development in Unit #9 by a first deed of trust which constitutes a first lien on all of the lots shown on the Final Map for Unit #9, subject only to current real property taxes not yet due and payable; and

WHEREAS, WILLIAM M. MOORES has agreed to provide the DISTRICT with a performance bond for the completion of the water storage tank and distribution system for Unit #9 and a one-year maintenance bond to correct defects in the installation of the Unit #9 facilities and to correct defective materials used in the construction and installation of the Unit #9 facilities; and

WHEREAS, the State Water Resources Control Board has issued an extension of its Permit No. 16622 to permit the diversion of water from Mallo Pass Creek; and

WHEREAS, the California Coastal Commission has attached Special Condition 9 to its permit No. 1-87-142 for the construction and installation of the Mallo Pass Creek water treatment facility limiting the DISTRICT's diversion from Mallo Pass Creek to 50 gallons per minute until said permit is amended; and

WHEREAS, the DISTRICT and WILLIAM M. MOORES have jointly developed a water conservation plan for Unit #9 which will be incorporated into the Unit #9 CC&R's;

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the IRISH BEACH WATER DISTRICT authorizes the President of the DISTRICT to prepare and transmit the following letters relating to Unit #9;

1. Letter to California Coastal Commission ("Commission") setting forth the information required by Special Conditions 7, 8 and 9 for Commission Permit Nos. 1-87-141 and 1-87-142, including that the DISTRICT has accepted the engineering plans for the Mallo Pass Creek Water Facilities Construction Project ("Project"), that the DISTRICT has obtained the necessary permits from CalTrans and the State Water Resources Control Board, that the Department of Health Services has indicated orally that it expects to issue its permit for the operation of the Mallo Pass Creek treatment facility in mid-July, 1988, that the DISTRICT agrees to limit its diversion from Mallo

Pass Creek to 50 gallons per minute, unless and until it demonstrates to the Commission that it needs more than 50 gallons per minute to service its customers, and that the DISTRICT has developed a water conservation plan with WILLIAM M. MOORES for Unit #9; and

2. Letter to Mendocino County providing the information required by County Conditions A.1, A.3 and A.7 for Unit #9, including the DISTRICT's satisfaction with on site fire safety measures for Unit #9, subject to two (2) additional conditions proposed by the DISTRICT, the DISTRICT's approval of engineering plans for the Project facilities and for the Unit #9 storage and distribution facilities and the DISTRICT's agreement to provide water service to lots approved for development in Unit #9;

3. Letter to Department of Real Estate stating that the DISTRICT has adequate water sources available to provide service to lots approved for development in Unit #9 and that WILLIAM M. MOORES has provided the DISTRICT with sufficient security in the form of a lien on each lot in Unit #9 in the form of a first deed of trust securing WILLIAM M. MOORES' obligation to pay for the cost of the Project facilities; and

4. Letter to Department of Health Services requesting the Department to issue a permit to the DISTRICT authorizing it to distribute Mallo Pass Creek water and operate the Mallo Pass Creek treatment facility; and

5. Letter to Millington & Jones Insurance Company advising that the DISTRICT will require a 12 month performance bond for completion of the Unit #9 storage and distribution facilities; and

BE IT FURTHER RESOLVED that the DISTRICT hereby approves and accepts the following plans and bids:

1. Engineering plan for Mallo Pass Creek Project; and
2. Middle bid or revised middle bid for Mallo Pass Creek Project; and
3. Construction and engineering plans for Unit #9 water storage tank and distribution facilities; and
4. Plans for construction of improvements necessary to extract water from No. 9 well and to integrate well into DISTRICT's existing water supply system; and
5. Cost estimates and bids for Unit #9 water storage tank and distribution facilities for purpose of setting amount of performance bond and maintenance bond; and

BE IT FURTHER AND FINALLY RESOLVED that the DISTRICT takes the following additional actions:

*as proposed by the District Engineer, subject to the Commission's approval and the Commission may be further revised in accordance with Paragraph 4 (b) of the Development Agreement*

1. Approves execution of document by President Scaramella, to be recorded with California Coastal Commission, stating that Mallo Pass Creek water is for Unit #9 and that any other future development will require additional permits from the Commission; and

2. Accepts assignment of water rights to DISTRICT in State Water Resources Control Board Permit No. 16622 and assignment of all rights in the No. 9 well; and

3. Accepts grant deeds conveying to DISTRICT necessary fee simple title, easements and rights-of-way to enable the DISTRICT to construct, operate and maintain the Mallo Pass Creek Project facilities, the Unit #9 facilities and the No. 9 well; and

4. Accepts first Deed of Trust, with power of sale, conveying to the DISTRICT a security interest in all lots approved for development in Unit #9, which Deed of Trust secures specific obligations of WILLIAM M. MOOPES to the DISTRICT under the Agreement.

The foregoing Resolution was on July 6, 1988 duly approved by a vote of 4 for, 0 against, and 0 abstaining, by the Board of Directors of the IRISH BEACH WATER DISTRICT. This Resolution is effective as of the date of its adoption.

IRISH BEACH WATER DISTRICT

BY: [Signature]  
President

BY: [Signature]  
Secretary


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MINUTES OF THE IRISH BEACH WATER BOARD  
EXECUTIVE SESSION, SEPTEMBER 21, 1987

The Board met at 2:00 p.m. to discuss  
Judge Broaddus's unfavorable ruling in  
Moore v Irish Beach Water District.

Present were Directors, Blair, Woodward,  
Edelbrock, and Scaramella and the Board's Attorney  
Gary M. Jerrit.

✓ After discussion, it was voted by the Board  
3 - 0 (with Director Scaramella abstaining) to  
authorize the Board's attorney to seek a writ from  
the Court of Appeals in San Francisco.

  
Secretary