

IRISH BEACH WATER DISTRICT  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
SATURDAY, NOVEMBER 11, 1989

1. CALL TO ORDER: Chairman Balzer called the meeting to order at 10:05 a.m. at 43801 Sea Cypress, Irish Beach.
2. ROLL CALL: Directors Woodward, Edelbrock, Scaramella, Dunning and Balzer were all present. Also present were Bettye Winters, Dorothy Engle, Doug Blair, Marge Lubeck, Bea Breese, Betty Woodward, Nancy Menken, Kathy Edelbrock, and Grace Blair.
3. APPROVAL OF AGENDA: It was announced that formation of the proposed Elk Services District would be added to the agenda as an emergency item as the first listing under New Business.
4. APPROVAL OF MINUTES OF THE REGULAR MEETING 9-9-89 AND SPECIAL MEETING 9-30-89: With one small correction on the 9-30-89 minutes, the minutes of both meetings were approved by a motion made by Director Woodward, seconded by Director Dunning, and carried unanimously.
5. REVIEW OF EXPENDITURES AND INCOME FOR SEPTEMBER AND OCTOBER 1989: It was noted that review of Ward Anderson's year-end figures would be at the next regular meeting. A motion for commendation on the format and approval of the expenditures for September and October was made by Director Edelbrock, seconded by Director Woodward, and carried unanimously.
6. REPORTS:
  - 6A. Treasurer's report and audit report: Treasurer Woodward reported that the budget balances and copies will be distributed at the next regular meeting. Ward Anderson has lined up a CPA to do the audits for fiscal year 1987-88 and 1988-89.
  - 6B. Report on Fire Prevention Program: Director Dunning reported that 82 fire hazard abatement letters had been mailed to property owners; the worst cases are completed or in process except for two on which the District is getting estimates to have the work done and billed to the owners. Five additional notices need to be sent.

President's report: President Balzer reported that David Rosendale has agreed to be the Safety Inspector mandated by the District's insurance carrier. The Safety Committee will include Mr. Rosendale, John Acquistapace, and Director Scaramella. Mr. Rosendale will report the committee's recommendations to the Board; the Board will take action and report to Special District Risk Management Authority.

Other items noted: The District is still waiting for a reply from the property owner regarding the easement to the lower diversion site; District engineer William Taggart has accepted permanent work but will continue to be available with advance notice; it was noted that "pre-vailing wages" are required for a contract that is to be turned over to

a public entity; the District's insurance carrier suggests that tools and equipment not be loaned to or used by anyone except employees or Board of Directors; a reclassification on zoning map had been received which should have included lot 1 in unit 1 but did not; the treatment plant is not part of the subdivision.

Because this was Director Woodward's last meeting, a break was called to informally thank him for his time on the Board.

7. OLD BUSINESS:

- 7A. Discussion and action on amount of authority to act by special committee (see item 7A of 9-9-89 minutes): Director Balzer gave the background on this committee formed to obtain the agreement that the line from #3 tank to unit #9 would go up the road only and to try to work out the best deal with the least cost to the District. This committee consists of Doug Blair and Directors Edelbrock and Dunning. After discussion, Director Scaramella made a motion authorizing the committee to act on behalf of the District in working out and implementing the details and changes in the plans and implementation of the Agreement relative to unit #9 and unit #9 well project and empowering them to make decisions for the Board on these matters. The motion was seconded by Director Woodward, but the motion was then changed by Director Scaramella to add that any decisions by the committee must be by unanimous decision of the committee. The corrected motion was seconded by Director Woodward and carried unanimously.

Director Woodward then moved that the line going from #3 tank to the west end of the 6" main go up the inside arch of Alta Mesa Road. This motion was seconded by Director Scaramella and carried unanimously.

The problem was noted of assuring that Mr. Moores receives correspondence from the District; some certified mailings addressed to his home had been returned from the post office marked "unclaimed". A motion that Directors Edelbrock and Balzer take, in person, a document for Mr. Moores to sign acknowledging that all future correspondence to him will be sent certified mail to an address of his choice was made by Director Woodward, seconded by Director Dunning, and approved unanimously.

After discussion, a motion that the District not provide funds for engineering or other purposes to put the connecting line between #3 tank and the unit #9 6" main was made by Director Scaramella, seconded by Director Woodward, and carried unanimously.

- 7B. Discussion and possible action on Well Ordinance: A motion that the President keep in touch with matters relative to water extraction within the District and bring to the attention of the Board those matters which, in his opinion, need action by the Board was made by Director Scaramella, seconded by Director Edelbrock, and carried unanimously.

- 7C. Clarification of fee for hookups of larger diameter than 3/4 inch (see resolution of 7-8-89 meeting): Chairman Balzer explained that the owner of lot 11 in unit 7 requested a 1" hookup after a 3/4" hookup had been made; however, the owner will pay all costs involved including the labor on installing the original meter. After a long discussion, no decision on future hookups larger than 3/4" was made, and this item was put off to another time.
- 7D. Revision of Fire Protection Ordinance: It was explained that the Fire Ordinance needed to be revised to reflect that the California Department of Forestry standards for this area will be the governing rule for this District and to give clearing distances for branches, dry grass, and dry shubbery. A public hearing will be required for this revision. Director Scaramella moved the process of implementing this revision be started. The motion was seconded by Director Woodward and carried unanimously.
- 7E. Report of impact of costs to the District resulting from unit #9 project and discussion of possible remedies (carried over from 9-9-89 meeting): Director Scaramella went over his calculations compiled from his monitoring records on legal fees, engineering fees, capital expenditures, future capital expenditures, and unresolved issues. The calculations are attached as part of these minutes.
- 7F. Report from committee assigned to negotiate 54 hookup cost proposal: Doug Blair and Director Scaramella were authorized to meet with Mr. Moores for discussion. It was asked that the record show that a letter dated October 30 from Mr. Moores requested this item be placed on the agenda for today's meeting, but Mr. Moores did not attend the meeting.
- 7G. Discussion and action on decision made at 7-9-88 meeting regarding request to Architectural Committee: A sample letter addressed to the District was presented which could be given to people who made application to the Architectural Committee. This statement would request a hookup and be accompanied by payment of the current hookup fee and a site plan showing location of the septic tank, have a fire ordinance sign-off with Irish Beach Fire Chief, and acknowledge agreement to abide by any conservation procedures in effect. Consensus of the Board was approval of the form.
- 7H. Discussion and action on District's right to foreclose on Deed of Trust on Unit #9: Chairman Balzer reported that Mr. Moores had submitted a check in August for less than the amount stated in the Agreement with no explanation; Director Woodward had written Mr. Moores that the amount was incorrect, but there has been no response. A subsequent certified letter had been returned "unclaimed". The District has the right to foreclose on the Deed of Trust per the Agreement; the pertinent part of the Agreement was read. A discussion followed on whether to start foreclosure procedures. Director Edelbrock then moved that the President be authorized to investigate

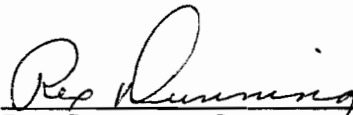
the possibilities and implications with attorney Fran Layton for foreclosure according to page 17, item 3, of the Agreement and that no action be taken without complete Board discussion on the matter. The motion was seconded by Director Woodward and carried unanimously.

8. NEW BUSINESS

- \* Formation of the proposed Elk Services District: The formation of this district would have no monetary impact on Irish Beach Water District; it is for fire and ambulance service only. A motion to approve the request from Elk on forming a CSD was made by Director Scaramella, seconded by Director Edelbrock, and carried unanimously.
- 8A. Consideration of first draft of tentative agreement with Irish Beach Improvement Club regarding Pomo Lake: A first draft of an agreement between Irish Beach Water District and Irish Beach Improvement Club was presented. Noting that the Board wishes to continue the friendly relationship with the Improvement Club, a motion to accept the agreement as presented unless major changes are made by the Improvement Club was made by Director Edelbrock, seconded by Director Woodward, and carried unanimously.
- 8B. Discussion and action on requests for names and addresses of Irish Beach property owners: Chair Balzer explained that the cable company had requested names and addresses of property owners. After a short discussion, a motion was made by Director Scaramella that the District not release lists of names and addresses of property owners within the District to any commercial interests unless expressly required by law. The motion was seconded by Director Edelbrock and carried unanimously.
- 8C. Action on resolutions requested by Special District Insurance Authority: It was explained that Amendment No. 1 to the Joint Powers Agreement would change the name to Special District Risk Management Authority, and Corrected Amendment No. 2 would, in part, require a minimum membership of three years. A motion to adopt the two resolutions on changes in the By-laws by Amendment No. 1 and Corrected Amendment No. 2 was made by Director Edelbrock, seconded by Director Dunning, and carried unanimously.
- 8D. Discussion and action on options open to District following apparent inability of developer to meet conditions imposed upon him by Subdivision Improvement Agreement: It was explained that Mr. Moores will not have completed the unit #9 and well project on time and was applying for an extension of time. President Balzer has written a proposed letter to Ed Belliston of Mendocino County Department of Public Works stating District concerns, and a document for District signature agreeing to the time extension had also been received. A motion was made to sign the document and that the letter be sent was made by Director Woodward, seconded by Director Dunning, and carried unanimously.

- 8E. Set date for organizational meeting for incoming Board of Directors: Director Edelbrock moved that the new organization Board meeting be at 10:00 a.m. on Saturday, December 2, 1989. The motion was seconded by Director Woodward and carried unanimously.
- \* RECESS: A motion to recess for an executive meeting concerning legal matters was made by Director Edelbrock, seconded by Director Dunning, and carried unanimously. This meeting was for informational purposes only. Doug Blair was asked to attend this executive session.
- \* RECONVENING: The public was notified that the meeting would reconvene and the meeting was called back to order.
9. ADJOURNMENT: A motion to adjourn was made at 1:20 p.m. by Director Scaramella, seconded by Director Edelbrock, and carried unanimously.

Respectfully submitted,

  
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Rex Dunning, Secretary

Prepared by Diane Johnson

ATTEST:

  
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Diane Johnson, Secretary to the Board

IRISH BEACH WATER DISTRICT

District Expenditures Realized  
 For Preparation and Implementation  
 of 7/6/87 Water Development Agreement  
 to Date 11/11/89  
 Compiled from E. L. Scaramella Monitoring Records

1. <u>Legal Fees</u>	
(a) Paid by District 12/1/87 - 9/1/88	\$ 6,414.31
9-1/88 - 10/1/89	<u>5,825.54</u>
	12,239.85
(b) Charged to Moores but not paid to date	2,296.04
2. <u>Engineering Fees</u>	
(a) Counihan Unit 9 well plan checking and approval	625.50
* (b) Counihan services subsequent to 7/6/87 related to plan changes, etc.	1,969.11
(c) Counihan Unit 9 well plan checking	602.00
(d) Taggart well project inspection and testing	<u>600.00</u>
	3,796.61
* Billed to Moores but he is contesting; he offered partial payment. Not resolved to date.	
3. <u>Capital Expenditures</u>	
(a) Well down payment	10,000.00
(b) Shut off valves Unit 9 main	900.00
** (c) Replace schedule 80 pipe with positive seal 4" PVC on line from tank 3 to Unit 9 main	<u>1,200.00</u>
	12,100.00
** Estimated	
4. <u>Future Capital Expenditures</u>	
(a) Remaining balance of well payment	15,000.00
(b) Undetermined cost for additional modifications if any requested for system improvement	?
5. <u>Unresolved Issues</u>	
(a) Well project surveying costs	900.00
(b) Well project engineering costs	<u>1,640.00</u>
	2,540.00
6. <u>Summary of Expenditures by District to Date</u>	
(a) Item 1 - legal fees	12,239.85
(b) Item 2 - engineering fees	3,796.61
(c) Item 3 - capital expenditures	<u>12,100.00</u>
Total	27,136.46

IRISH BEACH WATER DISTRICT  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
SATURDAY, JANUARY 13, 1990

- 1 CALL TO ORDER: Chairman Balzer called the meeting to order at 10:01 a.m. at 44151 Garcia Court, Irish Beach.
- 2 ROLL CALL: Directors Aeschliman, Scaramella, Dunning, Balzer and Edelbrock were present. Also present were John Acquistapace, Reese Tripp, Mildred Tripp, Dorothy Engle, David Rosendale, Bettye Winters, Jim Reese, Nancy Menken, Grace Blair, Kathy Edelbrock, Diane Aeschliman, Betty E. MacKenzie, and Doug Blair.
- \* AGENDA CHANGE: Chairman Balzer explained that item 7C, Agreement with Irish Beach Improvement Club, would be presented after item 4.
- 3 APPROVAL OF MINUTES: A motion that the minutes of the regular meeting of 11-11-89 be approved with corrections was made by Director Aeschliman, seconded by Director Scaramella, and carried unanimously. A motion that the minutes of the special meeting of 12-2-89 be approved with a correction was made by Director Aeschliman, seconded by Director Dunning, and carried unanimously.
- 4 REVIEW OF EXPENDITURES AND INCOME FOR NOVEMBER AND DECEMBER 1989: Office Manager Diane Johnson explained that Mr. Anderson's general ledger statements for November and December were not yet available because a computer breakdown delayed sending him the necessary information on time. There was a \$476.65 portion of a payment to engineer Bill Taggart which was deducted from Mr. Moores' engineering advance which should have been noted on the disbursements, leaving a balance of \$503.22 in the advance. A motion was made by Director Scaramella to have Ms. Johnson add Mr. Moores' first annual payment of \$4,930.48 to an existing Mallo Pass fund if there is no penalty for doing so. The motion was seconded by Director Edelbrock and carried unanimously.
- 7C Action on proposed agreement with Irish Beach Improvement Club Regarding Water in Pomo Creek: Director Balzer explained that the water in Pomo Creek would be used only for fire protection or in any dire need. Irish Beach Improvement Club had previously approved the agreement at their meeting earlier in the week. A motion to adopt the agreement to be signed by both parties was made by Director Scaramella, seconded by Director Edelbrock, and carried unanimously.

5 REPORTS

- 5A Treasurer's report: After a discussion on the Mallo Pass funds, it was decided that Treasurer Aeschliman and Director Scaramella make decisions on these funds with Ward Anderson as a consultant.
- 5B Audit status report: Ms. Johnson explained the difficulties the auditor was having, particularly with fiscal year 1987-88. A meeting will be needed with the auditor, Mr. Anderson, the Treasurer, and perhaps another member of the Board.
- 5C Unit 9 tank inspection report: Doug Blair reported on the problems and the work still to be completed. The water line is now definitely going along the inside shoulder of the road, but the question of any additional expense involved has not been resolved. There is also the difficulty in getting Mr. Moores to submit drawings on engineering changes. A written specification is needed on how construction will occur. One major problem is the faulty #4 storage tank.
- 5D Safety Committee report: Dave Rosendale reported on the inspection report of 12-12-89 listing items needing safety improvement. This inspection was required by the District's insurance carrier. A motion to accept the committee's report, authorize them to continue monitoring these safety items, and to purchase whatever is necessary for the minor corrections was made by Director Edelbrock, seconded by Director Dunning, and carried unanimously.
- 5E President's report: President Balzer reported that a property owner had noticed that the pipe which had been punctured by Wander Communications contained asbestos. Mr. Balzer explained that both the county and the state departments of Environmental Health had said that there is no danger to users of water served by this type of pipe. It is still being used in construction of new water systems, but the line should be flushed, as ours has been, when a break occurs. Directors Dunning and Scaramella and systems manager John Acquistapace will meet with Wander regarding their installation of cable television lines and payment of expenses on this broken line. President Balzer also reported that Mr. Moores wants to pay off what he owes on the Mallo Pass project because interest rates are becoming unfavorable for him.
- 6 PUBLIC HEARING ON SECOND READING OF FIRE ORDINANCE REVISION: Chairman Balzer reported that the revision would help clear up misunderstanding on lot clearing for fire protection and to set forth California Department of Forestry standards as the governing rule for the District.



There were no requests for reading the revision; public comments was invited. There were no public comments so the public hearing was closed. A motion to adopt the revision was made by Director Scaramella, seconded by Director Dunning, and carried unanimously.

7 OLD BUSINESS:

7A Action on reimbursement for lots over 54: Chairman Balzer explained that the developer felt he should be able to recover partial costs for any over-capacity of water in the Mallo Pass project beyond that needed for the 44 Unit #9 lots and the ten lots set aside for an inn. After discussion, a motion was made by Director Scaramella that the District reimbursement be as provided in the Agreement and that the formula is in accordance with the the document showing the recommendation of Mr. Moores' engineer Howard Bashford and the District's engineer Dan Counihan and approved by the District's attorney Fran Layton. The motion was seconded by Director Edelbrock and carried unanimously.

7B Hookup fee for larger than 3/4" line: Director Edelbrock presented a chart showing hookup fees and water usage rates from various other water districts. A commitment has already been made for one residential customer to have a 1" line. After discussion, a motion was made by Director Scaramella that the District not accept a residential application for installation of a water meter larger than 3/4", with the exception of those previously agreed to, from this date forward. The motion was seconded by Director Aeschliman and carried unanimously. The question of a fee for a non-residential hookup will be addressed on a future agenda.

7D Approval of final budget: Copies of the final budget were not available for the meeting. This item will be added to the next agenda.

8 NEW BUSINESS:


8A Certification of assessable area in District: The yearly certification of the assessable area in the District pursuant to California Water Code Section 35041 was determined to be more than 50 percent. The consensus of the Board was that the Secretary sign this certification and the document be added to the District files.

8B Contract with Doug Blair: An agreement between Irish Beach Water District and Douglas H. Blair was presented which would employ Mr. Blair as a consultant on any and all engineering matters and problems related to the completion of the water system of Unit #9 and the integration of that system with the

reset of the water system of Irish Beach Subdivision and any other engineering matters that may arise in the future for a yearly compensation of \$1. All of Mr. Blair's work in this regard will be with the consent and approval of the Board and he will be acting as an agent of the Board. A motion to sign the agreement which would be retroactive to August 1, 1989, was made by Director Scaramella, seconded by Director Edelbrock, and carried unanimously.

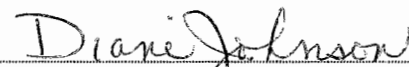
- 8C Request for additional inspection funds for Unit #9 from Mr. Moores: After discussion, a motion was made by Director Scaramella that the District require an additional \$2,000 advance from Bill Moores for engineering inspection and testing costs and unless this amount is forthcoming, the District will not authorize Bill Taggart to make a final inspection of Unit #9 and the well project. The motion was seconded by Director Dunning and carried unanimously. Ms. Johnson was requested to write Mr. Moores informing him of this decision of the Board.
- 9 ADJOURNMENT: A motion was made to adjourn at 12:40 by Director Edelbrock, seconded by Director Dunning, and carried unanimously.

Respectfully submitted,

  
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Rex Dunning, Secretary

prepared by Diane Johnson

ATTEST:

  
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Diane Johnson, Secretary to the Board

IRISH BEACH WATER DISTRICT  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
SATURDAY, MARCH 10, 1990

- 1 CALL TO ORDER: Chairman Balzer called the meeting to order at 9:59 a.m. at 14961 Navarro Way, Irish Beach.
- 2 ROLL CALL: Directors Aeschliman, Edelbrock, Scaramella, Balzer, and Dunning were all present. Also present were Kathy Edelbrock, Bettye Winters, Reese Tripp, Mildred Tripp, Betty Woodward, John Acquistapace, Dorothy Engle, Chester Beale, Jeanne Beale, Doug Blair, Grace Blair, David Rosendale, Nancy Menken, and Gordon Moores.
- 3 APPROVAL OF MINUTES OF 1-13-90: A motion that the minutes of the regular meeting of 1-13-90 be approved as amended was made by Director Edelbrock, seconded by Director Aeschliman and carried unanimously.
- 4 REVIEW AND APPROVAL OF FINANCIAL STATEMENTS FOR JANUARY AND FEBRUARY: It was pointed out that check 1589 for a first aid kit and fire extinguisher was for the plant office, not the fire department. It was requested that the disbursements show checks drawn for "transfer of funds to another account" separate from "expenses". A motion to approve the disbursements was made by Director Scaramella, seconded by Director Edelbrock, and carried unanimously.
- 5 REPORTS:
  - 5A Treasurer: Action by Board, if needed, on paydown on Mallo Pass Project: Treasurer Aeschliman explained Ward Anderson's financial statements were for the first four periods. Mr. Anderson will be requested to indicate separately on the balance sheet those accounts which are held in trust from those that are capital assets.

The 7-6-88 Agreement requires William Moores to pay to the District sufficient funds which invested by the District would reach a target figure of approximately \$380,000 by 7-6-2003. Mr. Moores has calculated that the sum of \$44,593.63 which he paid to the District on 1-17-90 (in addition to money already paid) would satisfy the terms of the Agreement. The District has notified Mr. Moores that they are accepting this amount of money as "partial payment" until such time as the District can determine whether the 1-17-90 check is an adequate amount.
  - 5B Safety Committee: David Rosendale, chairman of the Safety Committee, reported that a chain-type gate has been installed

across the upper diversion roadway and a key will be given to Gordon Moores. The tank #2 gate lock has been replaced. The filtration plant now has a fire extinguisher and first aid kit and emergency phone numbers by the phone. The Unit #3 pump house has a new roof with a lid which folds back, eliminating the need for a light. The lid and meter box are now locked. Fencing of the unit #3 tank will be done after construction is complete. The door to the fire house has been repaired. The District's insurance carrier will be informed of actions taken on the safety recommendations.

- 5C Audit: Director Scaramella reported that the county's 1987-88 audit will be "conditional" because of the inadequate record keeping of a previous employee, but the 1988-89 audit will be "unconditional". Recommendations by the auditor are being instituted. Charges for the audit exceed the estimate of \$1,000 per year because of extra time to reconcile the 1987-88 records.
- 5D Fire House: Director Dunning reported that he was having difficulty getting a preliminary estimate of the cost of the fire house. A different contractor will be contacted and this item will be put on the next agenda.
- 5E Negotiation Committee on Unit #9 construction: Director Edelbrock reported that the work of the committee is proceeding; there have been disagreements with the developer.
- 5F President's report: Director Balzer read a portion of a 4-15-82 letter from Steven Souza regarding water availability for "full occupation" being the responsibility of the developer.; logging along Irish Creek will be monitored; county counsel had written that while the county approved the original bylaws of the District, county approval is not needed for revision; a well ordinance is needed to control--not deny--wells within the District.
- 6 OLD BUSINESS:
- 6A Approval of final budget: Director Aeschliman recommended the 1-3-90 revision be approved as is with the exception of the incorrect list of funds. Director Edelbrock moved the revised 1-3-90 budget be approved as presented, excluding the financial statements as of 9-28-89. The motion was seconded by Director Dunning and carried unanimously. Mr. Anderson will be notified of this approval and requested that he show where we stand relative to the budget on his financial statements.
- 6B Action on recommendation for commercial hookup fee and
- 6C Discussion of and possible action on tiered water charges: Director Balzer read a portion from a letter just received

from William Moores regarding this item. Director Edelbrock presented a chart of fees of similar water companies such as Fort Bragg and Lakeport. After discussion on fees and on a tiered water system, it was decided that further study was needed. Directors Edelbrock and Balzer agreed to be part of a three-member committee to set a formula for both a commercial hookup fee and a recommendation about possible tiered water charges.

7 NEW BUSINESS;

- 7A Action on request from new owners of Caughey Ranch to plant trees within District boundary to screen #3 tank: The new owners of the "Caughey Ranch" property want to screen the water tank on the hill from their view by planting trees on District property. After a short discussion, it was decided that no decision could be made before a decision was made on the location of our fence. This item will be put on a later agenda.
- 7B Discussion of a possible action on hookup fee to be charged for two-acre parcel (three lots) which lies between Unit #7 and Unit #9A: Director Balzer explained that John Acquista-pace kept five acres, now divided into two parcels, from the original sale of Irish Beach land. A District motion approved 12-11/82 read: "If Mr. Doling chooses to combine two lots to be serviced by one water connection, IBWD will make a charge of \$3800 for the one connection; however, IBWD would want the third parcel developed (water service lines in) at the same time and the charge to that third parcel would be \$3800, for that parcel. The cost from the service connection to the Doling home would be at the Doling expense and IBWD would still expect to receive the normal hookup fee. Mr. Doling will need to sign an agreement to abide by the Irish Beach covenants and restrictions at the time the arrangement to make water service available is made. Director Smith will communicate with Mr. Doling on the Board's decision concerning water hookup." After discussion, a motion that the "Doling" motion passed on 12-11-82 be rescinded was made by Director Aeschliman, seconded by Director Dunning, and carried unanimously.

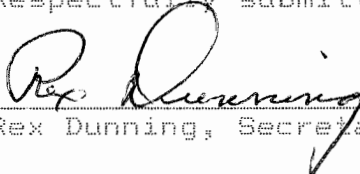
After a long discussion during which Director Scaramella explained the rationale behind the "54 hookup" partial reimbursement portion of the 7-6-88 Agreement, it was decided that more research is needed before a decision can be made on what the charge should be for supplying water to a property that is not within the District. Director Scaramella pointed out that this portion of the Agreement is mandated by law. At the 1-13-90 Board meeting (see Item 7A) on motion by Director Scaramella, seconded by Edelbrock and passed unanimously, the decision was made to accept the formula

presented by the District's engineer Mr. Counihan and Mr. Moores' engineer Mr. Bashford, and the District's attorney Ms. Layton concurring. The amount was not specified in that motion. Director Scaramella reported that the base reimbursement amount according to the referenced formula is \$1,326.30 and the Agreement quite clearly states that the interest rate is 7% (seven percent) per annum. Mr. Moores will be informed in writing of this decision.

\* (Non-agenda item): Director Edelbrock said there are problems with the extended responsibility of the District for fire protection and for waste water disposal. He asked that consideration of a possible name change be put on a future agenda. Director Aeschliman requested that investment policy be put on a future agenda. Director Scaramella requested a future agenda consider abatement procedures for possible contamination of the south fork of Irish Creek.

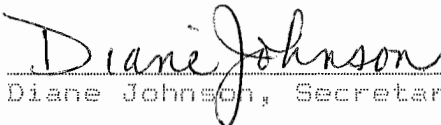
6 ADJOURNMENT: A motion to adjourn was made by Director Edelbrock, seconded by Director Dunning, and carried unanimously.

Respectfully submitted,

  
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Rex Dunning, Secretary

Prepared by Diane Johnson

ATTEST:

  
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Diane Johnson, Secretary to the Board

IRISH BEACH WATER DISTRICT  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
SATURDAY, MAY 12, 1990

- 1 CALL TO ORDER: Chairman Balzer called the meeting to order at 10:00 a.m. at 44151 Garcia Court, Irish Beach.
- 2 ROLL CALL: Directors Aeschliman, Balzer, Dunning, Scaramella, and Edelbrock were all present. Also seated with the Board was the District's attorney Fran Layton. Present also at the start of the meeting were Betty MacKenzie, Diane Aeschliman, Grace Blair, Margaret St. Clair, Kathy Edelbrock, J. M. McBride, John Acquistapace, Doug Blair, Dorothy Engle, Nancy Menken, William Moores, Dave Rosendale, Pep Sammis, and Gordon Moores. After the lunch break Diane Aeschliman, Kathy Edelbrock, and William Moores returned and Burton Garey, Tom Hunolt, Donna Keratha, Robert Malper and Doug Wong were present.
- 3 APPROVAL OF MINUTES OF REGULAR MEETING MARCH 10, 1990: A motion to approve the minutes as written was made by Director Dunning, seconded by Director Scaramella, and carried unanimously.
- 4 REVIEW AND APPROVAL OF FINANCIAL STATEMENTS FOR MARCH/APRIL: A motion to approve the disbursements for March and April as presented was made by Director Scaramella, seconded by Director Aeschliman, and carried unanimously. The monthly financial statements from Ward Anderson were not available because of the end of tax season and a computer breakdown.
- 5 REPORTS:
  - 5A President's report: President Balzer reported that the resolution in their packet regarding a partial release of surety for Irish Beach unit #9, tract 226 water facilities was under consideration by the county Board of Supervisors.

In looking over old minutes, it is apparent that the water diversion and possibly the filtration site are on Biaggi land. Attorney Layton said that an easement by prescription would apply but the District needs to make a clean easement and have it recorded.
  - 5B Fire house and lot cleaning: Director Dunning reported that this is the fourth dry year in a row and 35 fire hazard abatement notices had been sent out. Clearing has been completed on 15 lots, three have contracted to be cleared, one lot will be rechecked for hazards at the owner's request, and 16 lot owners have not completed the clearing nor answered the abatement notice. Another notification will be sent, after which the District will arrange for the clearing and bill the property owners not complying.

An estimate for constructing a fire house with an upstairs district office--not including electrical, painting, sheetrock or interior finish--was estimated at \$92,524. Director Scaramella urged reviewing the estimate as soon as possible and giving consideration to implementing construction as soon as feasible. Directors Aeschliman and Dunning will work on this matter.

- 5C Contamination of south fork of Irish Creek: Director Scaramella reported that the State Health Department had written that the cattle running on the south fork of Irish Creek could cause a dangerous contamination of the water and this health hazard must be abated. A meeting will be set up with State Water Quality Control and Dave Clark as soon as possible because water from this source may be needed during this dry season.

- 5D Treasurer's report and status of payoff of Mallo Pass Fund  
Treasurer Aeschliman reported he will try to get Ward Anderson back on schedule for timely financial reporting.

Director Aeschliman explained that the July 6, 1988, agreement with William Moores provided for Mr. Moores to pay an amount which would provide funds for developing the Mallo Pass project through the District investing the money in CD's. Mr. Moores' interpretation of his final payment of \$44,593.63 did not satisfy the terms of the agreement. The District calculated an additional \$14,282 should be paid by Mr. Moores per Great Western Bank's interest rate on the calculation date of 8.35% and written notice of this had been sent to Mr. Moores. A subsequent meeting with Mr. Moores had not resolved the differences. By 7-6-90, or before, Mr. Moores must come up with a two/three year CD rate that is acceptable to the District in order to alter the above sum and the balance of the amount due. A portion of paragraph (e), page 13, of the agreement was read by attorney Layton:

"As used in this Paragraph 4, the term "CD rate" means the highest rate paid on certificates of deposit with terms of between two and three years then being offered by any commercial bank or federally insured savings and loan company ('financial institution') at which the DISTRICT then does business. Within five (5) days of written request from the DISTRICT, WILLIAM MOORES may submit a quoted rate for two-to-three year certificates of deposit then being offered by any other financial institution. If such financial institution and such rate are acceptable to the DISTRICT for investment purposes, then such rate shall be deemed to be the CD rate in effect at the time."

Mr. Moores stated that he had not been aware of the total amount of Mallo Pass funds the District had available for investing along with his payment. It was noted that it is the District's decision on acceptance of a financial



institution. Attorney Layton said that both parties should do their homework regarding the soundness of a possible choice of financial institution before the required payoff date. Director Aeschliman said that the District would not have \$100,000 available within the next two months. Ms. Layton said the payoff should follow the agreement with the District starting the process and Mr. Moores counteroffering if desired. An interest rate the first week in July would be used unless Mr. Moores wants an earlier payoff that is agreeable to the District.

There was a long discussion on whether the turbidity meter was part of the original project cost or was an add-on to the original bid, in which case the cost should be borne by Mr. Moores. Director Scaramella read a letter from Mattern Construction stating that their bid was based on plans prepared by Mr. Moores' engineer dated 1/8/88. The State Health Department had made the requirement that this turbidity meter should be included in the installation. Director Scaramella had discussed this with Mr. Bartson of the State Health Department and he would advise us from what plans they made their determination. Director Scaramella will contact the State Health Department to ask if they retained a copy of the bid plans to see if the meter was on those plans. If not, they will be asked to give a written statement whether or not, in the best of their recollection, the bid included the turbidity meter.

Director Scaramella made a motion that in order to clarify and finalize the additional costs to the project cost, he will check with the State Health Department to see if the plans they had were prior to June 20. If so, the Board will consider the amount of \$2,363 due and the issue will be closed. If not, Ernie Wipf of Mattern Construction will be contacted to obtain a written statement of his understanding. If he says the turbidity meter was included in the bid, the matter will be closed. If to his recollection it was not on the bid, the amount for the meter is due from Mr. Moores and the matter is closed. Director Edelbrock seconded the motion and the motion was carried unanimously.

There followed a long discussion regarding paragraph 4(c) on page 12 of the agreement regarding a cost surcharge of 7%. Mr. Moores felt that the 7% surcharge included such things as permits but that the District's engineer Dan Counihan had added \$1,000 to the bid to provide for a county permit. Mr. Moores intended that this was to be a part of the 7% surcharge. Director Scaramella stated that since this was a known requirement, it was included in the bid which Mr. Moores accepted. Mr. Moores signed a "memorandum of agreement" in August 1988. Attorney Layton pointed out to Mr. Moores that there are several things in the agreement which Board members regretted having signed. The District, in an effort to be conciliatory, is going to accept the

\$800+ of penalty interest for late down payment to be included in the Mallo Pass fund. Ms. Layton pointed out that there is no point in charging a penalty for late payment if it is not really a penalty.

6 OLD BUSINESS:

6A Report by Negotiating Committee on construction matters for Unit #9 with action on specific items as needed:

Doug Blair reported that he has been watching the installation of the Alta Mesa pipeline which has had many, many failures with leaks so there is some question as to the soundness of the line. Four mechanical couplers had been installed in an effort to repair the line. There were deviations from the drawings. A great deal of the line had been completely buried in concrete, enclosing fittings in spots. A pressure reducing valve half way down the hill had not been installed as requested. The system was pressure tested at its lowest point instead of properly at the highest point.

Director Scaramella felt a five-year extended warranty should be required because it is now a repaired line, not a new line, and that the project must be accepted in its entirety, not "piecemeal".

Tank #4 has cracks; sealant repairs were not properly done to the sealant manufacturer's specifications; there are still still rough spots and poor drainage; pipeline in concrete not serviceable; soil erosion is present.

Tank #5 has water leaking at many, many locations; integrity of the soil bank is in question.

Well #2 electrical panels do not agree with specifications; the trench for the pipeline is loosely covered and washing out; controls problems keeps changing; need revised plan and improved electrical plans.

Access road was not compacted and has excessive erosion; required rock not down.

Director Dunning said the 10,000 gallon tank is leaking badly; the repairs on the 125,000 gallon tank are just "bandaids". Director Scaramella expressed the District's concern on maintaining the tanks because the uneven surface and improper slope for drainage would cause contamination. The tank is not new; it is repaired. He then read from a letter received from the State Health Department stating their concerns regarding the rough concrete surface of the 125,000 gallon tank being conducive to bacterial growth build-up and the difficulty in completely draining the tank for cleaning. Their recommendation was that the District require the tank be

resurfaced to ensure a smooth surface and allow for full cleaning in accordance with their standards. They also require that the control valve on the transmission line between the 125,000 gallon tank and the small upper concrete tank be modified or relocated to ensure that this line remains under a minimum of 20 psi pressure at all times. Director Scaramella said the issues regarding these tanks will have to be resolved before the District can accept the project.

Chairman Balzer said that in going over District minutes, it appears that there has been a repeated pattern of bad construction. Acceptance of these projects by the District will be based on construction standards of sound quality.

\* LUNCH BREAK: A break was called at 12:20; the meeting reconvened at 1:04.

6B Report on expenses occurring to District related to Unit #9 that have not been settled including discussion of possible special assessment to lots in Unit #9: Director Scaramella reported that most legal fees up to signing of the agreement on 7-6-88 had been advanced by Mr. Moores, but interim expenses paid by the District directly applicable to Unit #9 and development of the agreement amount to \$15,000-25,000. The District can either absorb these costs or assess the 44 lots in Unit #9. Attorney Layton said there are provisions to assess properties for those items pertaining to those properties only. Director Edelbrock felt there is a need for long-range planning and the District may want to have an overall assessment for the fire house and office.

6C1 Hookup fee - commercial: Director Scaramella said that other districts in the county make hookup fees for meters larger than the standard domestic meter (3/4") based on diameter ratios. The rationale for this is that larger size has greater potential draw down and he accordingly proposed that commercial hookups using larger meters be charged the applicable residential hookup fee plus the ratio of pipe size. For example: 1" = 1.00/.75 = 1.33 x 1,800, or \$2,400; 1-1/4" = 1.25/.75 = 1.66 x \$1,800, or \$3,000; 1-1/2" = 1.50/.75 = 2.00 x \$1,800, or \$3,600. He moved that the District follow the proper procedure to implement commercial hookups in accordance with the formula he provided. Director Dunning seconded the motion. (See below for vote.)

Mr. Moores said that fees, by law, should be only relative to the service required, to reimburse costs, not what other districts charge. Chairman Balzer said that law pertained to irrigation districts only; Irish Beach is not an irrigation district. The anticipated costs and stresses on supplying water to commercial hookups must be considered.

6C2 Hookup fee - two acre parcel: Director Scaramella discussed his review of water availability charges going back to 1967 and also suggested consideration must be given to employing professional management and the need for a meeting area and improvement of the fire department equipment and storage.

The review of charges revealed that residential lot owners had paid \$2,902 for the period 1967-1989. The bare lot owners during this same period had paid \$1,169. All lot owners had also paid a special assessment of \$250. These payments had provided for the current financial status, maintained the facilities and paid for corrections to the system which were necessary because the system was not adequate at the time it was installed by the developer. Consequently, Director Scaramella proposed the following:

1. The present residential hookup fee remain \$1,800.
2. Lot owners who are not currently paying water availability fees or presently hooked up will be required to pay the regular hookup fee of \$1,800 + \$1,169 + \$250 special assessment and the amount required for the partial reimbursement under the conditions of the 7/6/88 agreement. This he estimated would be \$1,521 + 7% interest per annum from 7/6/88. This would make a total of \$4,740 per hookup without interest.

6C1 (continued) The motion Director Scaramella previously made was restated by the secretary. The motion was carried unanimously.

6C2 (continued) Thomas Hunolt has the two-acre parcel which is surrounded by the District but not in the District. Adding the standby fees since 1967, \$1,498.78, plus the assessments, \$3,219, the equitable amount for Mr. Hunolt to receive water would be \$4,717.78.

\* A discussion followed on the 7% interest rate set forth in the agreement. Mr. Moores said that the interest should be on the reimbursible amount or unpaid principle and interest balance. There was a long discussion on simple vs. compound interest and the intent of the agreement. Director Scaramella moved that the District proceed on the settlement of partial reimbursement of 7% per annum, meaning simple interest. The motion was seconded by Director Aeschliman, and carried with Director Edelbrock voting no. Mr. Moores then left the meeting.

It was decided that the District could not set a precedent by charging Mr. Hunolt lower than the \$4717.78 hookup fee but would agree to installment payments. The \$1,521 fee to Mr. Moores should be paid now, but Director Scaramella moved the the President and Treasurer work out a schedule of payments with Mr. Hunolt, and any future applicants under the same circumstances should be considered individually. The motion was seconded by Director Edelbrock and carried unanimously.

7 NEW BUSINESS:

7A Presentation by Harry Brown of California Rural Water Association: Mr. Brown was not in attendance; this item was tabled.

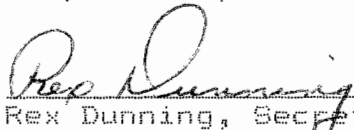
7B Reactivation of #1 Well: Director Edelbrock said he understands #2 well has all the water capacity the District would need for the present but that wells are unreliable. This subject was tabled for now.

7C Investment policy: Treasurer Aeschliman said that the District should probably consider a set policy. He and Director Scaramella will get together to formulate a policy.

7D Change of name: Director Edelbrock stated that the District is responsible for more than just water provision. He read from the 10-12-75 Board minutes which raised the possibility that Irish Beach Water District is a special district. He then said that there is no reason for making a name change now.

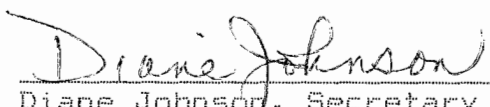
8 ADJOURNMENT: A motion to adjourn was made by Director Aeschliman, second by Director Edelbrock, and carried unanimously. The meeting adjourned at 3:15 p.m.

Respectfully submitted,

  
\_\_\_\_\_  
Rex Dunning, Secretary

Prepared by Diane Johnson

ATTEST:

  
\_\_\_\_\_  
Diane Johnson, Secretary to the Board

IRISH BEACH WATER DISTRICT  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
SATURDAY, JULY 14, 1990

- 1 CALL TO ORDER: Vice-President Aeschliman called the meeting to order at 10:10 a.m. at 44151 Garcia Court, Irish Beach.
- 2 ROLL CALL: Directors Aeschliman, Dunning, Scaramella, and Edelbrock were present; Director Balzer was absent. Also present were Grace Blair, Diane Aeschliman, Kathy Edelbrock, Doug Blair, Bea Breese, Dorothy Engle, and Toni Ryan.
- 3 APPROVAL OF MINUTES OF REGULAR MEETING MAY 12, 1990: A motion to approve the minutes as mailed was made by Director Scaramella, seconded by Director Edelbrock, and approved unanimously.
- 4 REVIEW AND APPROVAL OF FINANCIAL STATEMENTS FOR MAY/JUNE: On the check disbursements, it was noted that check 1669 should have been listed under "fund transfer". A motion to approve the disbursements for May and June with the correction noted was made by Director Edelbrock, seconded by Director Scaramella, and approved unanimously. Financial statements for May and June from Ward Anderson were not approved because they had just been distributed.
- 5 REPORTS:
  - 5A Vice President's report: Vice President Aeschliman talked about water in general in today's world.
  - 5B Fire house and lot cleaning: Director Dunning reported that more pressing matters had precluded more than a preliminary meeting on the fire house. However, at least one more bid will be sought and a low-cost loan looked into. On the lot clearing, 35 citations had been sent and all lots were cleared except one which is full of poison oak. The District had arranged for five of the lots to be cleared and the work billed to the owners. The clearing is essentially complete.
  - 5C Treasurer's report and status of payoff of Mallo Pass Fund: Treasurer Aeschliman gave the background on the 7-6-88 agreement which assumed full build-out by the year 2003 and stipulated that sufficient funds must be provided by William Moores which would generate \$386,000 by 2003 to assure water to all properties. Interest rates were a significant factor in this payoff. A \$8,060 check had been received the previous week from Mr. Moores based on agreement of a 8.7% interest rate being used to establish the funds needed to amortize the project. It was requested that the record show that in making the \$8,060 payoff, Mr. Moores also gave the District a letter saying that he was making that payoff amount in protest, he was paying for the turbidity meter which the District maintains was not on the original bid

under protest, and he was protesting the District's lack of acceptance of Unit #9; all protest was made under an implied threat of legal action.

Director Edelbrock moved to confirm the action of Director Aeschliman and the finance committee in concluding the Mallo Pass arrangements and that the final payment as developed by the committee be approved. The motion was seconded by Director Dunning, and carried unanimously. It was requested that Mr. Moore's letter and the Memorandum of Agreement on calculations for the payoff be part of the minutes.

- 6 PUBLIC HEARING - Resolution establishing hookup fees paid for "commercial" service larger than residential 3/4" diameter line: It was noted that the public hearing had been properly noticed. Director Scaramella gave the background on the resolution. It was requested that the word "pipe" throughout the resolution be changed to "meter". Director Edelbrock stated that the 1" meter already installed would not be effected by this resolution. It was also noted that Mr. Moores claims the "in-site" is in conflict because a previous Board had agreed to provide water to it when it is annexed.

The public hearing was opened. Doug Blair said that the District has adequate water resources but water capacity should be limited by any one user in our small water system. There was a discussion on who would use the larger size meters, if the District would really want to provide a meter as large as 1-1/2", and if only "commerical" hookups would use larger than a 3/4" meter. It was suggested that perhaps all residents should be 3/4" meters unless evidence is provided that it would not be satisfactory for that lot and a larger meter is approved by the Board. It was also suggested that the resolution should provide that any uses other than residential pay substantially more. After further discussion the public hearing was closed.

It was generally felt that the 1-1/4" and 1-1/2" meters should not be included in the resolution. After further discussion, Director Edelbrock moved that this item be continued until the next meeting to redraft the resolution to a more acceptable form. The motion was seconded by Director Scaramella, and carried unanimously.

- 7 OLD BUSINESS:

- 7A Report by committee on issue of collecting "water availability" charged for new lots, including Mr. Hunolt's lot: Vice President Aeschliman said a policy is needed even through there is only one new property at the present time requesting hookup. The committee of Directors Balzer and Aeschliman had nothing to report and the subject was tabled for the present time.

- \* **BREAK:** A ten-minute break was called at 11:05 a.m. The meeting reconvened at 11:15 a.m.
- \* **Four-Member Board Vote (not on agenda):** Director Aeschliman reported that in error he had told William Moores that a full Board would be present at this meeting, not realizing that Director Balzer would still be on vacation. It was determined that decisions on many agenda items should be made because they were so important. A motion to consider all items without a full Board in session was made by Director Edelbrock, seconded by Director Scaramella, and carried unanimously.

**B NEW BUSINESS:**

- BA **Preliminary consideration of employment of an administrator for the District:** Vice-President Aeschliman said that the District operates with an all-volunteer Board and a full-time person with broader knowledge would be helpful. Director Scaramella said that there are many on-going projects and there is a need to look at the whole administrative process. He suggested that in the future any project before the Board requiring significant money or time that funds be submitted to the District up front to provide for a project manager to administer it for the Board.

Director Scaramella moved that in the future individuals or firms proposing projects to utilize the services and facilities of the District be required to provide sufficient funds to pay for employment of a project manager to supervise and direct the activity for the Board before implementation of the project. The motion was seconded by Director Dunning and carried unanimously.

- BB **Authorization to renew insurance with Special District Risk Management Authority and Gallagher Heffernan Insurance Brokers:** A motion to pay the insurance premium of \$4,030 for general liability insurance and \$440 for boiler and machinery insurance to Special District Risk Management Authority was made by Director Edelbrock, seconded by Director Scaramella, and carried unanimously. A definite premium amount for the errors and omissions insurance had not been received, but it was \$4,120 last year. A motion to approve payment on the errors and omissions insurance with Gallagher Heffernan Insurance Brokers was made by Director Edelbrock, seconded by Director Dunning, and approved unanimously.

- BC **Authorization of approval for extention to August 31, 1990, of Unit #9 performance surety bond with Mendocino County Department of Public Works:** Vice President Aeschliman explained that this surety bond Mr. Moores has with Mendocino County was originally to expire on 11-30-89, was then extended to 6-30-90, and he has now requested an extension to expire on 8-30-90. A motion to approve the extension previously authorized by Director Aeschliman was made by



extended to 6-30-90, and he has now requested an extension to expire on 8-30-90. A motion to approve the extension previously authorized by Director Aeschliman was made by Director Edelbrock, seconded by Director Scaramella, and approved unanimously.

BD Consideration of acceptance of Unit #9 distribution system: Vice President Aeschliman had copies distributed to all those in attendance of letters from the District's engineer William Taggart and the State Department of Health Services regarding these projects. Doug Blair, the District's consultant and a member of the construction committee, gave the District copies of his report which is included as part of these minutes. The report addresses items noted in the two letters distributed. He read the report and commented on it.

Director Scaramella asked that the record show the construction of the tank as originally done had totally unsatisfactory surface and drainage. It was not approved by the Department of Health Services, and repairs were made. Cracks were repaired without proper preparation and although the county has signed off the work, the District needs a guaranty over and above one year. The general concensus was that the integrity of the tank is now probably OK. Mr. Moores expects the District's approval but was not in attendance at the regularly-scheduled meeting at which approval would be considered.

Vice President Aeschliman asked that the record include the following items: 1) There were 5-6 meetings and/or visits up the hill with Mr. Moores, the last one on 7-7-90 lasting two hours and all items were verbally mentioned or are in engineer Taggart's report. 2) The committee walked down the road with Mr. Moores and Mr. Blair showed him where dirt was not compacted. Mr. Moores said the timber people would be laying 500 tons of shale on the road; however, timber trucks will not be using Alta Mesa Road so his answer is unreliable. 3) Mr. Moores' letter regarding his promise of a replacement panel on the well project was read; however, the work had not been done. 4) A tree trunk in the drainage path still had not been removed by 7-7-90. Dirt had been poured into the hole, but the trunk is still there. Director Aeschliman said that Mr. Moores is fully aware of all these items. He also said that the District's attorney Fran Layton advised the District to not approve the projects if they are not completely done and correctly done. Mr. Moores had been asking the District's approval on the small tank without county approval.

Doug Blair estimated the total liability to the District for items incomplete or needing correction to be about \$1,500.

It was noted that Mr. Moores was to provide the District with written plan changes, with charges he feels are the District's responsibility, and the cost differential on going

down the road with the pipeline versus going over the hill. Director Scaramella did not want approval until all conditions were met. He did want the record to show, however, that the District is anxious to close these projects and feels that a positive solution to Unit 9 is approaching but there are still concerns. Director Scaramella moved that acceptance not be approved today, but no second was made, and after further discussion Director Scaramella moved that the District not adopt the resolution regarding Unit 9 in its present form and the President be authorized to call a special meeting at the earliest possible date where all parties can be present to work out an acceptable solution. The motion was seconded by Director Edelbrock and carried unanimously.

BE Consideration of acceptance of well and tank system:

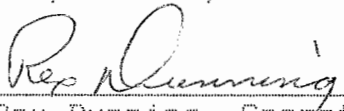
Director Scaramella said there were too many unresolved issues to accepting the well and tank system. He moved that the District not accept the well project until the deficiencies noted by the District's engineering and the State Department of Health Services and other concerns are complied with. The motion was seconded by Director Edelbrock and carried unanimously.

Vice President Aeschliman asked that the record show that the District was prepared to approve these projects if they met the requirements of the original contracts and resolutions drafted, but they fell short on construction and administrative requirements. He will write Mr. Moore on items needed before acceptance and will attach Mr. Blair's report.

\* Toni Ryan asked how the \$1,800 hookup fee is to be paid; she had received no instructions from the realtor nor architectural committee. She was informed payment of the whole fee is required before hookup.

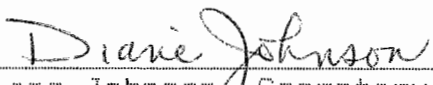
9 ADJOURNMENT: A motion to adjourn the meeting was made at 1:05 p.m. by Director Edelbrock, seconded by Director Dunning, and carried unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
Rex Dunning, Secretary

Prepared by Diane Johnson

ATTEST:

  
\_\_\_\_\_  
Diane Johnson, Secretary to the Board

Board of Directors  
Irish Beach Water District

Subject: - Unit 9 and Well Project Status Report.

During the construction of this project the contractor has deviated from the approved plans without board approval. The construction committee has been unsuccessful in its efforts to get drawing changes and approval prior to construction. Since prior approval is now impossible the construction committee has given tentative approval on the condition that the original plans would be corrected to agree with the as built facility. As of 9:00 P.M. 7-13-90 we have not seen or been told that they have been delivered to the District. See list attached. This report will address only those items of concern so that the board can make its review and decision. It will not re-hash all the problems getting things to this point.

UNIT 9

TANK 3

1. Dirt and rock have spilled against the tank. See Taggarts report item 1.

2. The culvert at the pump house is not deep enough to direct water away from the pump house. See Taggarts report item 2

3. The Alta Mesa pipe line was put in with out Engineering plans. The elevation differential makes testing accuracys questionable.

TANK 4

1. There is a hollow tree root in the east drainage area .

2. The first portion of the road from Unit 9 to tank 4 does not have the required amount of rock. See Taggarts report PIPE LINE TO UNIT 9, item 4.

## WELL PROJECT

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### WELL

1. The well cover is not installed to plans. Although the construction committee approved changing to a square box from a round box, other features must comply in principal. The slab well seal is shown at grade level and the well casing is shown approximately 6 inches above the slab. These dimensions prevent the possibility of ground water entering the well. The current installations does not conform to these principals.

2. The electrical panels are mounted to a piece of 1/2 inch plywood. Plans show them mounted to pressure treated wood.

### TANK 5

1. This tank developed many cracks and leaks. It was replastered covering the cracks and stopping the leaks. See photographs.

2. Turn around area is not properly graded for water run off and needs to be graded or smoothed out.

3. Security wire on fence was not properly installed and has come loose.

4. All access roads, where the pipe line was placed in the center of the road, do not have the back fill compacted.

The above represents an honest effort from the construction committee to indentify those questionable items. We encourage other members of the board to make their own evaluation.

CONSTRUCTION COMMITTEE

Notes for drawing corrections.

1. Show addition of main shut off valves.
2. Show changes to hose houses.
3. Show change from plastic cover to a wood pump house.
4. Electric controls at tank 3 were changed from a box on a post to inside the pump house without a strip heater.
5. Location of dams or baffles on Alta Mesa pipe line.
6. Grading at tank 4
7. Size of turn around area at tank 4.
8. Location of road and gate leading to tank 4
9. Location of tank level indicator.
10. Pipe feeding tank 4 enters over the wall not thru the tank.
11. Mounting of electrical boxes at the well.
12. Well cover changed from round to square.
13. Electrical control and meter boxes not to drawing.
14. Delete note requiring ladder at tank 5.
15. Correct pump and control notations. Suggest that all notations scattered around the drawing be deleted and rewritten and shown in one location to conform to the single line drawing submitted by the electrical contractor.

7-6-90

# MALO PASS PAYOFF CALCULATION

July ~~6~~<sup>5</sup>, 1990

During our meeting this afternoon, we have re-calculated the various components of the Malo Pass Trust Project Prepayment. Using the same format as my previous worksheet, the calculations are:

> Down Payment on 12/6/88 <Revised>	\$ 28,467
> Interest from 12/7/88-7/6/90 = 574 days @ 9% =	\$ 4,029
> Unit 9 Payment (4 x \$7895.60) on 4/30/88	\$ 31,582
> Interest from 5/1/88-7/6/90 = 432 days @ 9% =	\$ 3,341
Total Payments & Interest Earned	\$ 67,419
> Annual Payment on 7/6/89	\$ 4,930
> Interest on Annual Payment from 7/6/89-2/2/90 = 205 days @ 8.75%	\$ 236
> Partial Prepayment received 1/17/90	\$ 44,594
> Interest from 1/22 to 2/2 on Prepayment amount; 10 days @ 8.00%	110
Correct Deposit on 2/2/90 (as adjusted)	\$ 49,870
> Interest 2/2 to 3/5/90 @ 8.00%	343
> Interest 3/5 to 4/4/90 @ 8.00%	335
> Interest 4/4 to 7/6/90; 90 d. @ 8.05%	1,051
Sub-Total from above	\$ 51,599
Total Payments plus Interest to 7/6/90	\$ 119,018

- > Future value of project; Calculated from a Present Cost of \$185,779 @ 5% inflation factor in 15 years = \$386,221
- > Time frame 7/6/90 to 7/6/2003 = 4,748 days at 30.44 days per month = 155.98 months
- > Present Value Deposit necessary to equal the Future Value of \$386,221 invested for 155.98 months

*Agreed to and Revised on 7/6/90*

	Present Value	Balance Due on 7/6/90
8.70%	\$ 125,165	\$ 6,147
Plus Turbidimeter		+ <del>2,500</del> 1,915
Final Payment Due 7/6/90		\$ <del>8,647</del> 8,062
		1

*For IBWD  
E. L. Scaramella  
M. C. Archibini*

*For William Moore  
W. Moore*

## DEPARTMENT OF HEALTH SERVICES

50 D STREET, SUITE 205  
SANTA ROSA, CALIFORNIA 95404  
(707) 576-2145



July 2, 1990

Mr. Reuben Balzer, President  
Irish Beach Water District  
P.O. Box 67  
Manchester, CA 95459

Dear Mr. Balzer:

This is to follow-up on this Department's inspection of the new water system facilities that are being installed to serve Unit No. 9 at Irish Beach. Mark Bartson, an engineer with this Department, reviewed these facilities in the field on June 20, 1990, with Mr. William Taggart, consulting engineer for the District, Mr. William Moores, developer of Unit No. 9, and several representatives of the Irish Beach Water District.

The following are our comments and concerns regarding the new Unit No. 9 facilities:

125,000 gallon concrete tank

1. The resurfacing of the new 125,000 gallon storage tank appears to have been satisfactorily completed to resolve the concerns discussed in our letter dated May 2, 1990 regarding the interior condition of this tank.
2. We discussed with you the cleanliness of the new 125,000 gallon tank. You informed us that this tank had been properly disinfected and sampled in accordance with the requirements of the District. The water in the tank contained some brown sediment which may have been the result of iron in the well water or work performed on the transmission line which feeds this tank.

We advised you of the need to batch chlorinate and hold the water in this tank for at least 24 hours prior to using this water for flushing or system component testing. We also advised you of the need to clean-up the significant amount of dirt and concrete powder on the platform inside the door.

3. Several openings large enough to permit the entry of contamination such as lizards, insects and dirt were noted along the base of this tank. All such openings must be thoroughly sealed to minimize the possibility of such contamination.

Unit No. 9 Well

1. The surface features of this well are not acceptable to this Department. The approved plans call for the well to be contained inside a concrete manhole cover mortared to a concrete pad. The meter box that was installed over the well does not provide adequate protection nor does it allow for ready removal of the well pump for maintenance.
2. We have reviewed the water quality monitoring data on this well from the laboratory report dated April 26, 1990. The data indicates that the well is in compliance with State water quality standards. As discussed in the field with Mr. Acquistapace, it is essential that the District collect iron and manganese samples from the well on a regular basis for at least the first year. It frequently occurs that iron and manganese levels increase over time as a well is pumped for extended periods of time. If the iron or manganese levels increase to levels which exceed the State Standards, removal facilities will be required.

10,000 gallon concrete tank

1. We have serious questions regarding the structural integrity and stability of this tank. Our concerns stem from the large amount of leakage that was observed and documented when the tank was first filled and the methods that were used in constructing this tank. It is our understanding that this tank was constructed from built-up layers of plaster whereas most concrete tanks which we have observed are constructed in one continuous pour of concrete resulting in much greater strength and seismic stability.

We concur with the District's requirement that the developer provide a signed-off Mendocino County building permit prior to acceptance of the tank. We also recommend that the District review the submittal of drawings of construction details of this tank and structural calculations as provided to the County Building Department.

2. The fiberglass screens on this tank are not securely fastened to the tank and do not appear to be very durable. A large opening in the screen was noted at one location. The plastic band holding the screen to the tank's perimeter was cracked in one place and it also does not appear to be very durable. We recommend that you require more durable screening and fasteners in order to minimize the ongoing maintenance requirements inherent in the screening that has been installed.
3. We noted that the edges of the roof of this tank are such that runoff from the roof might drain into the tank at several locations. Since continuous chlorination of the Unit No. 9 well



Mr. Reuben Balzer

July 2, 1990

Page 3

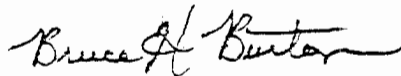
is not planned, it is essential that all sanitary hazards of the storage facilities be minimized. The District must investigate this problem further and if it is problem, require correction of this problem prior to accepting the tank.

4. There is no means of locking the hatch on this tank. Secure hinges and a hasp with a lock must be provided. The hinges and hasp must be secure enough to not be easily torn off by intruders.

Please inform us prior to the District's acceptance of the Unit No. 9 facilities of the actions that will be taken to address the items noted in this letter. We also request that you provide us with your engineer's inspection report on the new facilities.

We appreciate your continued cooperation in complying with the requirements of this Department. Please contact Mark Bartson if you have any questions on this letter.

Sincerely,



Bruce H. Burton, P.E.  
District Engineer  
Office of Drinking Water  
Santa Rosa District Office

cc: Mendocino County EHD  
880 N. Bush Street  
Ukiah, CA 95482

Mr. William Moores  
3880 Sleepy Hollow Drive  
Santa Rosa, CA 95404

Mr. William Taggart  
c/o Irish Beach Water District  
P. O. Box 67  
Manchester, CA 95459

Mendocino County Planning Department  
Courthouse  
Ukiah, CA 95482

BHB:MJB

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TAGGART ENGINEERING  
P.O. BOX 1573  
WEAVERVILLE, CALIFORNIA  
96093

*copies sent to:  
City Planning  
City E.H.D*

July 2, 1990

Job #89-140

Irish Beach Water District  
P.O. Box 67  
Manchester, CA 95459

Attn: Doug Blair

RE: INSPECTION REPORT OF JUNE 22, 1990

Dear Doug,

This letter is to discuss the items listed below that are found to be deficient or not installed according to the approved set of plans.

WELL SITE

1. The box around the well casing is too small and doesn't allow the well cap to be removed or the pump to be removed. Also the box isn't installed as shown on the plans with a tapered lid and a manhole bolted cover.
2. The fill material around the well box and the valve box was not compacted and will easily erode during the first rain.
3. The road into the well site does not allow for turn-around movement by even a small vehicle. It was noted on the day of the inspection while at the well site that the meter reader from PGE showed up to read the meter, and had difficulty in turning around.
4. It would be a nice gesture if the brush along these roads could be pruned back and upwards to allow a vehicle to pass without causing damage to the vehicles exterior finish.
5. The electrical panel box does not appear to be the one called out on the plans, nor does it show any numbers to indicate that it is the same as specified. Please provide proper specification sheet for the panel installed.

TANK #5

1. The very first thing that I noticed was that the valve boxes were very poorly set and had loose dirt dumped around them.

While trying to operate one valve, the valve box almost fell over.

2. No ladder was visible within the compound.
3. The State inspector says that the lid to the tank must be locked. This needs attending to.
4. The plastic/fiberglass screen around the tank is ripped. Also the plastic belt that holds the screen is almost ripped in half and is on the verge of breaking.
5. The roof drains water to one spot at the east side of the tank cover and the water appears to drain down the screen and then into the inside of the tank. This needs repair or redirection of the water so that it does not get into the tank.
6. Drainage around the tank is poor. It appears that rock was recently bladed around the tank without trying to obtain an uniform surface, compaction and an even drainage pattern.
7. The structural strength of the Tank #5 is in question. With the many cracks and leaks, prior to the patch job, I feel that the tank should be analyzed structurally. It is also my understanding that the tank needs a building permit from the County, which has not yet been applied for. Bill Moores should contact a structural testing firm and obtain a report that verifies the structural stability of the tank. I'm sure this would satisfy the County Building Department and also the District.

#### PIPE TO TANK #4

1. The lines have been tested for a pressure of 220 psi for two hours and were within the test limits. The test formula for leakage is  $L = (n)(d)(\sqrt{p}) - (5500)$ . This is the number of joints times the pipe diameter times the square root of the test pressure divided by 5500. The leakage is in gallons per hour.

#### TANK #4

1. Float guide and level indicator are not installed per the plans. Current location eliminates a penetration through the roof structure over the tank.
2. The tank has silt and dirt inside and needs to be cleaned. The perimeter of the tank has grout slag or pieces of concrete lying loosely along the top of the tank. The plank down the center of the tank for inspection needs to be washed off before the tank bottom is cleaned and the water chlorinated.
3. The ground does not slope at 4:1 away from the tank as shown on the plans. It appears to be at about 3%, which is not steep enough to insure that surface water drains away from the tank

fast enough. Proper drainage is important to the quality of water in buried tanks.

4. The tank still has places the daylight shows around the perimeter of the roof indicating that the roof structure is not properly sealed against insect and bugs.

5. Inlet pipe and valve should be secured to the plank at the bottom chord of the trusses to prevent movement.

6. Pipe inlet is installed over the top of the tank wall, instead of through the tank sidewall, as shown on the plans.

#### PIPE LINE TO UNIT #9

1. The line was pressure tested for two hours at 220 psi and meets the leakage requirements per the equation explained above. However, it is suspected that the fall in pressure (hence loss in amount of water in the line) is due to a gate valve installed near the transition of the 6" line to the 3" line going down the hill. I was told that the gate valve was only rated at 150 psi pressure by Clint, Bill's foreman. The pressure up-hill from the valve was at 220 psi while the pressure on the down-hill side of the valve would be at approximately 25 psi. (see comment #3 in PIPE LINE TO TANK #3)

2. Air relief valves appear to be installed according to the plans.

3. There are no blow off valves installed on the line. These valves need to be placed at the low points in the line.

4. The roadway from Tank #4 to Unit #9 is in poor shape. It appears that the rock was placed without any effort to achieve proper compaction, and for the waterline ditch to have settled, indicates that improper compaction was used. The road should be compacted, graded and crowned for proper drainage and the ditch should be cleaned out when all road work is done.

#### PIPE LINE TO TANK #3

1. The line was tested for two hours at 230 psi and meets the leakage requirements, however, the static pressure on the line was 205 psi and calculates to be approximately 207 psi, due to the difference in elevation of the two ends. This indicates that the top connection only had 25 psi on it during the testing arrangement but will be closer to 60 psi in actual usage. At the end of the test period, the line had almost 240 psi, or a gain of about 10 psi. One possible conclusion would be that the gate valve at the lower end of Unit #9, where the 6" pipe reduces to a 3" pipe and continues down the roadway to Tank #3, could not hold the 220 psi pressure on the 6" pipe side of the valve, due to a lower pressure in the up-hill end of the 3" line (about 25 psi). I don't feel that this constitutes a failing test, however, it

didn't meet the intent of the plans for the leakage test.

2. The pipe installation down the road to Tank #3 was not engineered nor inspected. There was a sketch prepared by Howard Bashford showing a typical section for cover over pipe and backfill material, but the entire line was not engineered, and there was basically no information supplied to the District, or myself as the inspector. It should have had concrete dams or plugs installed at about 200 foot intervals along the entire length of the pipe to prevent any hydraulic mining of the sand backfill. Any future leak will be impossible to locate, and could wash all the sand out of the trench at the pump house. I would recommend that these dams be installed prior to paving the streets.

### TANK #3

1. Loose dirt against the existing tank needs to be removed to prevent rusting of that tank.
2. The existing culvert under the roadway needs to be directed away from the pump house, by either closed conduit or deep, concrete lined ditch, to prevent erosion during winter months.
3. Strip heaters were not installed in the pump enclosure.
4. Pump and controls are not housed per approved plans. Enclosure is wood structure with concrete floor, and access/walk door.

### CONTROLS

1. I was not able to inspect the performance of the controls for the system due to the fact that Tank #3 was full and Tank #4 was empty. I will leave this inspection portion of the system to the District to monitor, since they will have to understand the complete operation of the system to be able to adjust it later, if any fine tuning is necessary.

This concludes my inspection report on the Irish Beach Unit #9 system. If you have any questions or comments, feel free to call me at (916) 623-4342, after 4:30 p.m.

Respectfully submitted

*William Taggart*

William Taggart, P.E.

cc: B. Moores



P1 of 3

7/6/90

William M. Moores  
3880 Sleepy Hollow Drive  
Santa Rosa, California 95404

Roger Aeschliman  
Irish Beach Water District  
Box 67  
Manchester, Ca. 95459

Re: Unit #9 acceptance

Dear Mr. Aeschliman:

On 6/26/90 I wrote to the District suggesting that I payoff the Mallo Pas acct on the basis of the 8.7% rate acceptable to the District, paying in protest and reserving my rights to apply the rates submitted that I believe should have been accepted if the Court should agree and if I should decide to seek a Court determination on that point. My check # 4102 attached is submitted in protest on that basis so that the District will have no cause to fail to accept the Unit #9 system at it's 7/14/90 meeting on account of a breach of my contract obligations described in the 7/6/88 Moores-District Contract.

The District has also required as a condition of accepting the Unit #9 system that I provide a repair agreement for the schedule

P. 2072

William M. Moores  
3880 Sleepy Hollow Drive  
Santa Rosa, California 95404

80 P.V.C. weld-on pipeline that extends from lot 3/4 down the inside shoulder of the Unit #9 access road to the District's 80,000 tank on lot 31, Unit #3. I consider this requirement a breach of the District's agreement to accept the system upon issuance of a one year maintenance bond and I maintain that the purpose of the requirement is to protect the District from it's own folly in insisting that the line be weld-on pipe rather than rubber ring jointed pipe. I have, however, provided a repair agreement in order to remove any obstacle to the District's acceptance of the Unit #9 system at it's 7/14/90 meeting. The submission is made under protest and reserving my rights to seek a court determination that the agreement is a breach of the 7/6/88 agreement, should I later decide to pursue that course of action.

In addition, I have included \$915 in this check to meet the District's demand

P383

William M. Moores  
3880 Sleepy Hollow Drive  
Santa Rosa, California 95404

that I pay for a turbidity meter they the District alleges should be added to the previously agreed total project cost. I am paying this fee in protest reserving my right to seek a court determination that this requirement breaches the 7/1/88 contract and subsequent agreement on the total project cost arrived at by the District's engineer (see revised bid) and my engineer and subsequently agreed between the District and myself. The fee was paid to remove any obstacles to the District accepting the Unit #9 system at it's 7/14/90 meeting since the District will not proceed unless this fee is paid.

Sincerely,  
W Moore



# MALO PASS PAYOFF CALCULATION

July 6, 1990

During our meeting this afternoon, we have re-calculated the various components of the Malo Pass Trust Project Prepayment. Using the same format as my previous worksheet, the calculations are:

> Down Payment on 12/6/88 <Revised>	\$ 28,467
> Interest from 12/7/88-7/6/90 = 574 days @ 9% =	\$ 4,029
> Unit 9 Payment (4 x \$7895.60) on 4/30/88	\$ 31,582
> Interest from 5/1/88-7/6/90 = 432 days @ 9% =	\$ 3,341

Total Payments & Interest Earned \$ 67,419

> Annual Payment on 7/6/89	\$ 4,930
> Interest on Annual Payment from 7/6/89-2/2/90 = 205 days @ 8.75%	\$ 236
> Partial Prepayment received 1/17/90	\$ 44,594
> Interest from 1/22 to 2/2 on Prepayment amount; 10 days @ 8.00%	110

Correct Deposit on  
2/2/90 (as adjusted) \$ 49,870

> Interest 2/2 to 3/5/90 @ 8.00%	343
> Interest 3/5 to 4/4/90 @ 8.00%	335
> Interest 4/4 to 7/6/90; 90 d. @ 8.05%	1,051

Sub-Total from above \$ 51,599

Total Payments plus Interest to 7/6/90 \$ 119,018

> Future value of project; Calculated from a Present Cost of \$185,779 @ 5% inflation factor in 15 years = \$386,221

> Time frame 7/6/90 to 7/6/2003 = 4,748 days at 30.44 days per month = 155.98 months

> Present Value Deposit necessary to equal the Future Value of \$386,221 invested for 155.98 months

	Present Value	Balance Due on 7/6/90
8.70%	\$ 125,165	\$ 6,147

Plus Turbidimeter

+ 2,500

Final Payment Due 7/6/90

\$ ~~8,647~~

1,915

8,062

*for I BUD*

*For William Moore*

*E. L. Scaramella*

*W Moore*

*Norm C. Archibald*

*Agreed to and  
Revised on  
7/6/90*

IRISH BEACH WATER DISTRICT  
MINUTES OF THE REGULAR MEETING  
OF THE BOARD OF DIRECTORS  
SATURDAY, SEPTEMBER 8, 1990

- 1 CALL TO ORDER: Chairman Balzer called the meeting to order at 10:00 a.m. at 44151 Garcia Court, Irish Beach.
- 2 ROLL CALL: Directors Aeschliman, Scaramella, Balzer, Dunning and Edelbrock all were present. Also present were Nancy Menken, Betty Woodward, Dorothy Engle, Doug Blair, Grace Blair, Kathy Edelbrock and Bill Moores.
- \* AGENDA CHANGE: The Board by consensus agreed to move item 6F up with item 5C, both to be considered together just before 5B.

3 REPORTS:

3A President's report:

Approval of minutes of regular meeting July 14, 1990: A motion to approve the minutes as corrected was made by Director Scaramella, seconded by Director Aeschliman, and carried unanimously.

Approval of minutes of special meeting August 7, 1990: A motion to approve the minutes as written was made by Director Dunning, seconded by Director Aeschliman, and carried unanimously.

President Balzer reported that the District would be required to pay the bills for \$100 each from State Water Resources for the annual fee for waste discharge requirements for units 1 through 4 and for units 5 and 9.

The Board was asked to think about a future agenda item regarding a raise in water rates and consideration of a tiered rate.

A representative for the District is still needed to attend the November 12-13 safety/claims workshop sponsored by the District's insurance carrier; attendance earns a premium discount.

- 3B Fire protection, fire department, license for driving: Director Dunning reported the fire department has installed blue dots to designate location of fire hydrants. A class A driver's license is sufficient for the District's fire truck weight.

Only two lots remain to be cleared of fire hazards, one in unit 2 and one in unit 4. On those lots the District had

arranged for clearing and charged the work to the owner; all but one have paid.

- 3C **Treasurer's report:** It was noted that the amount transferred from the fire department account to the operating account would be returned to the fire department account. A motion to approve the July and August disbursements as corrected was made by Director Scaramella, seconded by Director Edelbrock and carried unanimously.

The preliminary budget except for the capital budget was presented and discussed. The fire department and office building construction will be in the capital budget. A final budget will be available for approval at the next regular meeting.

- 4 **PUBLIC HEARING (continued) - Resolution establishing hookup fees paid for "commercial" service larger than residential 3/4" diameter line:** Director Scaramella gave the background on this resolution (90-2). The public hearing continued. The Board's secretary read a letter just received from William Moores objecting to his not receiving a requested copy of the resolution ten days prior to the meeting and suggesting that language be added stating the resolution cannot overrule any conflict with the 7/6/88 contract with Mr. Moores. Director Scaramella pointed out that there is nothing in that 1988 contract requiring the District to serve any unit at any set fee. There was a discussion about the "acreage" parcels. It was noted that the contract applies to the District's payment to Mr. Moores with each hookup to lots covered by the reimbursement provision of the contract but not to any amount the District charges those customers to hookup.

The public hearing was closed. Director Edelbrock moved that the District pass Resolution 90-2 encompassing hookups larger than 3/4" meters now on the books. The motion was seconded and carried unanimously by voice vote.

- \* **BREAK:** A fifteen-minute break was called at 11:00.

- 5 **OLD BUSINESS:**

- 5A **Action on additional \$1,000 for errors and omission insurance:** Director Edelbrock explained that the additional \$1,000 premium over last year's premium made coverage retroactive to the beginning of the previous year. A motion to approve the additional \$1,000 was made by Director Scaramella, seconded by Director Dunning and carried unanimously.

- 5C Discussion and action on 8/23/90 letter from Mendocino County Public Works regarding release of performance surety on Unit #9 and
- 6F Consideration and approval of Notice of Completion on Unit #9 facilities:

The letter from Mendocino Department of Public Works advised that they would take no action to initiate release of the Agreement performance surety without receipt of a written statement from the District advising the District has accepted the water facilities and the Subdivider has satisfactorily fulfilled all obligations to the District as prescribed in the Subdivision Improvement Agreement.

The District's final release of surety is contingent upon the District's receipt of conveyance in the proper form to accept ownership of unit #9 facilities.

After discussion, Director Scaramella's final motion was made to approve the release of the surety bond on unit #9 when conveyance is released and found to be in order by the District's President and Treasurer after being reviewed by the District's counsel and other documents required to implement ownership are also authorized. The motion was second by Director Edelbrock and carried unanimously.

- 5B Action of acceptance of Exhibit 4, i.e., well and 10,000 gallon tank: Doug Blair said that the Exhibit 4 facilities were done in a "sloppy" manner. The drain hole which is too high could easily be corrected. He felt the facilities should be accepted. Director Aeschliman advised that the District was revising the "Guaranty and Repair Agreement for the 10,000 Gallon Tank (Tank #5)" agreement to be signed by Mr. Moores to cover a period of ten years. After discussion on whether the resolution should be passed before all monetary questions were settled, it was agreed that, per the 7-6-88 contract, the District can accept "construction" of the physical aspects of the well project and make payment to Mr. Moores but that would not be complete acceptance nor start the guaranty agreement; the physical construction as repaired could be voted upon.

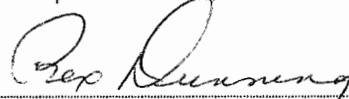
Director Scaramella moved the District accept the well project and facilities; he subsequently withdrew the motion. After further discussion, Director Aeschliman then moved that in regard to the well project, the District accept the construction aspects of it. The motion was seconded by Director Scaramella and carried with Director Balzer being the only dissenting vote. Director Edelbrock wanted the record to show that time after time the District has had to approve Mr. Moores' incomplete items.

- 6A Honorary membership on Irish Beach Water District Board of Directors (for Bea Breese): A certificate of appreciation had been prepared for Beatrice Breese for community services. A motion to approve the certificate and send it to Mrs. Breese was made by Director Scaramella, seconded by Director Aeschliman and carried unanimously.
- 6B Installation payments of hookup fee (for Toni Ryan): After a short discussion, it was decided that the District would accept hookup payments ahead of time but a hookup could not be made before the total fee was paid. Director Scaramella moved that Ms. Ryan could make a prepayment of three equal installments but the total fee would be required before hookup. The motion was seconded by Director Dunning and carried unanimously. Ms. Johnson would so notify Ms. Ryan.
- 6C Need for new map of water system: After discussion it was agreed that Doug Blair's suggestion to just hire a draftsman to make a line diagram of where the emergency valves are and a procedure be written on how to handle problems and which valves to use in specific cases. Director Balzer volunteered to attempt to find a draftsman and to authorize such a line diagram. Director Scaramella volunteered to help write up the procedural instructions.
- 6D Projects to improve system:
- 6D1 Water for tank #3 can be transferred to tank #1: Doug Blair said there is a need to shut off specific parts of the system if needed on the lines between tanks 3 and 1. It will be necessary to dig to find the various pipes and put in above-ground valves which would need to be monitored. This could probably be implemented for less than \$1,000. A motion that the District approve implementing the system as outlined by Mr. Blair was made by Director Edelbrock, seconded by Director Scaramella and carried unanimously.
- 6D2 Improve pressure on upper lots in Unit #4: Doug Blair was not sure how pressure could be improved on the upper lots in unit #4; the owners would need to put in a pressure system for themselves if needed. The required water for fire protection in unit #4 is now available. The possible need for any individual pressure system in unit #4 would be required in the "full disclosure" during the sale of these lots. Director Edelbrock moved that the District not undertake to implement improved pressure on the upper lots in unit #4 at this time, but he then withdrew his motion. It was agreed that this item would be put on the next agenda.
- 6E Discussion of renewal of cathodic protection agreement: Director Scaramella felt that there was no need for this costly protection every year. Director Edelbrock feels there is a need for control of chemical action and the District should be on top of any preventative action.

Director Scaramella then moved that the agreement be approved; it was seconded by Director Edelbrock and carried unanimously.

- 7 ADJOURNMENT: A motion to adjourn was made at 12:25 p.m. by Director Edelbrock, seconded by Director Aeschliman and carried unanimously.

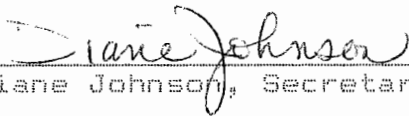
Respectfully submitted,



\_\_\_\_\_  
Rex Dunning, Secretary

Prepared by Diane Johnson

ATTEST:



\_\_\_\_\_  
Diane Johnson, Secretary to the Board

IRISH BEACH WATER DISTRICT  
MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
SATURDAY, DECEMBER 2, 1989

CALL TO ORDER: Chairman Balzer called the meeting to order at 10:04 a.m. at 14961 Navarro Way.

ROLL CALL: Directors Aeschliman, Scaramella, Dunning, Balzer and Edelbrock were all present. Also present were Nancy Menken, Betty MacKenzie, Diane Aeschliman, Bettye Winters, Betty Woodward, Doug Blair, Dorothy Engle, and David Rosendale. Roger Aeschliman was welcomed as the new member of the Board.

REORGANIZATION (out of agenda order): Director Edelbrock nominated Reuben Balzer to continue at President; Director Dunning seconded the nomination. Director Edelbrock moved the nominations be closed and Director Balzer be President by acclaim; all were in favor with Director Balzer abstaining. Director Edelbrock then nominated Director Dunning as Secretary. The nomination was seconded by Director Aeschliman and approved with Director Dunning abstaining. Director Scaramella nominated Director Aeschliman as Treasurer, Director Edelbrock seconded the nomination and moved the nomination be closed, seconded by Director Scaramella, and Director Aeschliman was approved as Treasurer. The position of Vice President will be chosen at another time.

REPORT ON INSURANCE MEETING: David Rosendale reported that sessions on claims filing were predominate at the insurance meetings he had attended.

AMOUNT OWING FROM WILLIAM MOORES FROM 7-6-89: Chairman Balzer reported that the District's calculations differed from Mr. Moores on the amount due from Mr. Moores on 7-6-89; his check had reflected his calculations. According to the agreement, the options available to the District for any underpayment include foreclosure or a lawsuit. A portion of attorney Fran Layton's letter to Mr. Moores pertaining to the amount he still owed was read. This letter set forth that if the District has not received the balance of the amount due, the District will take available remedies. Attorney Margaret O'Roueke had suggested using the local justice court (not small claims); a ruling at this court in favor of the District would include the balance of the amount owed, interest, and court costs. Chairman Balzer then read a letter from Mr. Moores relating to the matter. The interest rate Mr. Moores uses is not from a savings and loan with which the District does business as is stipulated in the Agreement. Director Scaramella said that it is necessary to identify what rate should be used to assure that the end amount of money provided will meet projected costs. After further discussion, Director Scaramella said that the District should have a closed session on these legal matters and check with legal counsel before any decision is made. Director Edelbrock concurred. It was the consensus that the matter will be referred to attorney and foreclosure delayed until after that time. Director Scaramella moved that the Board advise Mr. Moores that the issues he raised regarding the first annual payment involve attorney-client privilege and the Board will schedule an executive session after which the Board will proceed with the appropriate action as then determined. The motion was seconded by Director Edelbrock and carried unanimously.

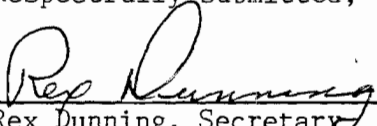
PUBLIC HEARING: REVISED FIRE ORDINANCE: Chairman Balzer did the first reading of revised Section 4(c) of the fire ordinance, explaining that the revision would help to clear up misunderstanding on what must be cleared on a lot for fire protection and to set forth California Department of Forestry standards as the governing rule for the District. Public comments was opened; no comments were made and public comment was closed. Approval of the revision would be on the next agenda.

VARIANCES OF ENFORCEMENT OF FIRE PROTECTION ORDINANCE: Director Edelbrock explained that a variance had been requested on the new roofing specification because the roof was not to be all reroofed. Class A roofing is now required. In this case the new roof cannot be seen along with the portion to be reroofed. It was the consensus of the Board that the District must stay with the policy.

CPA TO AUDIT BOOKS: It was explained that a CPA is required to audit the books for the fiscal years 1987-88 and 1988-89. After discussion, Director Edelbrock moved that the Mendocino County Auditor audit these two fiscal years as soon as possible. The motion was seconded by Director Aeschliman and carried unanimously.

ADJOURNMENT: The meeting was adjourned at 11:15 a.m. by a motion by Director Edelbrock, seconded by Director Scaramella, and carried unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
Rex Dunning, Secretary

Prepared by Diane Johnson

ATTEST:

  
\_\_\_\_\_  
Diane Johnson, Secretary to the Board



IRISH BEACH WATER DISTRICT  
MINUTES OF THE SPECIAL MEETING  
OF THE BOARD OF DIRECTORS  
TUESDAY, AUGUST 7, 1990

- 1 CALL TO ORDER: Chairman Balzer called the meeting to order at 3:03 p.m. at 14961 Navarro Way, Irish Beach.
- 2 ROLL CALL: Directors Scaramella, Dunning, Aeschliman, Balzer and Edelbrock were all present. Also present were Bettye Winters, Grace Blair, Doug Blair, Kathy Edelbrock, Margaret St. Clair, John Acquistapace, William Moores, and Gordon Moores.
- \* Chairman Balzer reported that a representative from the District is needed to attend the insurance carrier's safety and claims workshop on November 12 and 13 in order to qualify for a premium credit.
- 3 Consideration of and action on the acceptance of the water system for Unit #9:

The District's consultant Doug Blair reported on the engineering aspects which were lacking before acceptance of the system should be considered. He was not aware of the District having received any of the required change notices from William Moores but the system otherwise appears to be in compliance.

Director Scaramella was concerned about, 1) the manner in which small problems were accepted by Mr. Moores under protest, and 2) the Agreement specifies that the Unit #9 water distribution facilities and the Unit #9 well improvement facilities are two separate entities although the system is to be an integrated system, but the District is asked to approve Unit #9 when it is not a complete system. Director Aeschliman said he was unable to understand why Mr. Moores was continually agreeing under protest. Director Balzer reported that the District's attorney, Fran Layton, said the District can insist on having the problems connected with the differences of opinion on the sharing of the extra costs for Unit #9 cleared up before acceptance but that there was not much to gain in so doing.

There was then a discussion on the installation billings for installation of pump telephone lines which Mr. Moores had directed Pacific Bell to bill to the District. The two billings totalled \$1,438.40, including late charges. Mr. Moores wrote a check for the initial billing which had

received a notice for discontinued service because of non-payment; it was mailed after the meeting adjourned and Diane Johnson was to call Pacific Bell to so notify them.

Mr. Moores presented the District with one set of blueprints which were marked up with red ink--not on reproducible vellum, nor signed and stamped by an engineer--to show the changes where installation does not agree with specifications. Doug Blair told the District that acceptance of such prints might require the District to fix Health Department requirements, e.g., the well cover. He felt that Mr. Moores had complete disregard for the District's needs and requirements.

\* **BREAK:** At 4:15 p.m. Director Edelbrock moved that the Board take a ten-minute break. The motion was seconded by Director Dunning, and carried unanimously. The meeting continued at 4:35 p.m.

During the break a Memorandum of Agreement was written for Mr. Moores' agreement to submit corrected plans on reproducible vellum to agree with the marked-up prints. The correct plans were to include the location of the baffles in the Alta Mesa pipeline, a statement obsoleting the change issued by Carter Engineering regarding the electric valve at tank #4, and that the ground level be shown 6" below the top of the slab and the well casing extend 3"-5" above the slab. Mr. Moores read the Agreement, added the words "or as specified by Health Dept." following the words "...the slab", and dated and signed the Agreement. This executed Memorandum of Agreement is a part of these minutes.

Director Aeschliman reported that the District has a copy of the maintenance bond taken out by Mr. Moores on Unit #9 with a commencement date of July 6, 1990. The District wished the record to show that this date is incorrect. Mr. Moores signed the "Guaranty and Repair Agreement for the Alta Mesa Pipeline", included as part of these minutes.

It was noted that the review and inspection date on the resolution authorizing approval of the as-built Unit #9 water distribution facilities should be June 22, 1990. Director Aeschliman moved that Irish Beach approve acceptance of the Unit #9 water distribution system resolution as corrected with the date of June 22, 1990, in paragraph 4. The motion was seconded by Director Dunning. Further discussion followed. Mr. Moores agreed to let the District use the system if they paid the monthly telephone and electric charges. Director Scaramella called for the question but withdrew the request for further discussion after which the question was again called for. Directors Scaramella, Dunning and Aeschliman voted to adopt the resolution (subsequently

given the number 90-1), Directors Balzer and Edelbrock voted against adoption, and the motion carried.

Director Scaramella moved that the resolution be contingent on the Memorandum of Agreement which had been executed that day, but he then withdrew the motion.

- 4 Discussion relative to #2 well project and tank #5. Action as needed to enable District to integrate well and tank with the rest of the Irish Beach water system:

There was discussion on items needing change/repair/addition before this well and tank project could be accepted. Doug Blair felt the Board should decide to either require the tank to be demolished or to accept it with perhaps a 20 year guaranty or a lifetime guaranty from a standard depreciation schedule.

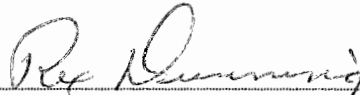
It was decided that a meeting between Directors Aeschliman and Dunning, Doug Blair and Mr. Moores was needed to resolve issues before acceptance of the well and tank. Director Scaramella moved that consideration for acceptance of the Exhibit 4 project be set aside at this meeting and put on the agenda for the 9/8/90 meeting and that all matters needing resolution be available at least ten days before that meeting. The motion was seconded by Director Edelbrock and carried unanimously.

Another Memorandum of Agreement was presented for Mr. Moores to sign agreeing that the District use the #2 well to continue to fill the 125,000 gallon tank and utilize the water in the District at large starting with the date of execution with the District agreeing to pay monthly telephone and electric charges. The Agreement stated that such use does not constitute agreement to the satisfactory condition of all the facilities or responsibilities for costs of construction. Mr. Moores added the words "provided that this permission will be rescinded and expire if the well facilities aren't accepted by 9/15/90", and signed and dated the Agreement. This executed Memorandum of Agreement is part of these minutes.

Mr. Moores listed those items which he felt still needed to be resolved before District acceptance: the tank itself, the need for the enclosure to be painted, proof that marine plywood was used, the box at the well head be leveled, and support added for the corners of the enclosure. Director Scaramella added that tank #5 sits on two puddles of water so the corner need drainage; Doug Blair said that grading should be done so that water runs away from the tank and would not puddle.


- 5 **Adjournment:** The motion to adjournment was made at 5:35 p.m. by Director Edelbrock, seconded by Director Scaramella and carried unanimously.

Respectfully submitted,

  
\_\_\_\_\_  
Rex Dunning, Secretary

Prepared by Diane Johnson

ATTEST:

  
\_\_\_\_\_  
Diane Johnson, Secretary to the Board

Memorandum of Agreement

#2

I hereby agree that the District will be able to use the well to continue to fill the 125,000 gallon tank and utilise water in the District at large starting on the date on which this agreement is signed.

*provided that this permission will be rescinded and expire if the well facilities aren't accepted by 9/15/90.*

The District agrees to pay the monthly telephone charges and the PGE charges starting on that date.

This does not constitute an agreement as to the satisfactory condition of all of the facilities. Nor does it in anyway indicate an agreement on the part of the Irish Beach Water District Board of Directors that the differences in opinion between the District and Mr. Moores relative to the costs of construction of these facilities have been resolved.

The District will do everything in its power to bring these matters to a conclusion, keeping in mind that it is the obligation of the District to protect the interests of every property owner, present and future, at Irish Beach.

Date 8/7/90

'Signed William Moores

William Moores

IRISH BEACH WATER DISTRICT  
MINUTES OF THE EXECUTIVE MEETING  
OF THE BOARD OF DIRECTORS  
SUNDAY, SEPTEMBER 23, 1990

- 1 CALL TO ORDER: Chairman Balzer called the meeting to order at 1:10 p.m. at 14961 Navarro Way, Irish Beach.
- 2 ROLL CALL: Directors Scaramella, Dunning, Aeschliman, and Balzer were present. Director Edelbrock was absent.
- 3 The following motion was made by Director Aeschliman and seconded by Director Dunning: The Board will accept Mr. Phillip Berry's offer to carry the appeal for a re-hearing of the case **Moore vs. Edelbrock** at no cost to the District. The motion passed unanimously.
- 4 There was a discussion of the request by the Water Systems Operator, John Acquistapace, for increased remuneration. It was pointed out that there has been no increase since 1987. It was also brought out that meter hookup remuneration to Mr. Acquistapace has been treated as a contractual matter and not as part of his salary. This needs to be rectified. Gene Scaramella and Roger Aeschliman were appointed to discuss the entire matter with John Acquistapace. They will bring a report to the Board dealing with all employees' remuneration to be acted upon in Executive Session to be held prior to the next regular Board meeting on November 10, 1990.

11-10-90

Minutes of Executive Session of Board of Directors IBWD on 11/10/90, at 14961 Navarro Way, Manchester. The meeting was called to order at 9:35 a.m. Board members, Dunning, Scaramella and Balzer present. John Acquistapace was also present.

Minutes of special executive session of Board held on 9/30/90 were read and approved.

The purpose of this meeting was to discuss with Mr. Acquistapace the proposal by a committee composed of Directors Scaramella and Aeschliman to increase his remuneration and make some adjustments in his responsibilities and vacation times, etc. Mr. Acquistapace made one request for a change in the wording of one portion of the proposal. This request was discussed and with the deletion of one sentence, the proposal will be presented and acted upon on at the regular meeting immediately following this executive session. Meeting adjourned at 9:50 a.m.