

IRISH BEACH WATER DISTRICT
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, NOVEMBER 9, 1991

1 CALL TO ORDER AND ROLL CALL: President Balzer called the meeting to order at 10:01 a.m. at the Garcia Grange in Manchester. Directors Aeschliman, Dunning, Scaramella, Balzer, and Heiner were all present. Also present were John Acquistapace, Reese Tripp, Nancy Menken, Rudy Beran, Gordon Moores, Marvin Satuloff, Dorothy Engle, the District's attorney Alan Turner and his wife, and the District's secretary Diane Johnson.

2 APPROVAL OF MINUTES of 9/14/91 regular meeting: A motion to approve the minutes of the September 14, 1991, meeting as presented was made by Director Heinzer, seconded by Director Scaramella, and carried unanimously.

3 REPORTS

3A Treasurer: A motion to approve the disbursements for September and October was made by Director Scaramella, seconded by Director Dunning, and carried unimously.

Director Aeschliman explained the minor changes made since the preliminary budget for fiscal year 1991-92: additional anticipated hookups and additional capital expenditures for lower diversion development. Director Scaramella explained the lower diversion development should be "on-line" whether or not it is needed immediately for use. The required State Health Department plant design changes added another \$4,000 to the preliminary budget. A motion to accept the proposed 1991-92 budget was made by Director Heinzer, seconded by Director Scaramella, and carried unanimously.

3B Water Status: Director Scaramella's report included: painting of all tanks and pump houses; a three-day production test on unit 9 well which performed well; three required plans had been submitted for approval to the State Health Department and the operations plan is in process; it is now required that the turbidity meter be recalculated every three months, costing about \$600 a year.

3C Fire Department: Director Dunning reported the design for the new fire house was to be turned into the county planning department within a week. The new fire truck performed well in putting out a fire in the meadow.

3D President: The well drilled in 1978 for units 5, 7, and 8 which had performed for less than three years has now been abandoned according to standards. A sample policy handbook has been received from California Special Districts Associa-

tion (CSDA); some policies will be useful to the district, particularly with regard to new regulations.

4 OLD BUSINESS

4A Ordinance or Resolution regarding unauthorized use of water: Attorney Turner said he had investigated other agency's policies. If the hookup is for construction, it is common policy to allow for a temporary hookup, charging \$25-\$50. The charge can be imposed on the contractor, but the owner will ultimately be responsible for the temporary hookup fee. The portion of the January 1991 resolution on this subject was read; it was noted this resolution would be satisfactory to cover the issue, but an additional resolution will probably be prepared for the next meeting.

4B Inn Site: Director Heinzer said Gordon Moores had been informed in a letter that the advance to cover district expenses for the inn site had been exhausted. Mr. Moores was present and said he felt some of the district expenses went beyond review of the project plans; the plans were designed to district specifications; he felt the advance should not have been spent on the district setting fire standards; he was concerned that commercial fire standards were different from residential fire standards; his engineer has not yet responded on the fire line needed; the inn density is less than on lots.

Mr. Turner said that concept drawings only have been submitted, not engineered plans. The district is a fire district too; fire requirements for a commercial enterprise are legitimate costs in addition to Local Agency Formation Commission (LAFCO) cost and plan approval costs. It is the obligation of the district to set standards and determine what service is necessary. From the district's standpoint engineering and LAFCO input have been accomplished. The next step is annexation and to ask where the developer wants the connection and easements. All such costs must be borne by the developer; it would not be fair to charge other customers for any costs incurred in the inn site development.

Director Scaramella said that delays in the project resulted from getting a determination that the site was not within the district and the length of time no plans were submitted.

Director Aeschliman said the plans were submitted to the district just one year ago, not 1 to 1-1/2 years as Mr. Moores said. Director Heinzer asked Mr. Moores where he planned to go from here. Mr. Moores said he needs to know how the district's engineer Mr. Vogel calculated his standards. He will be writing a check to the district to cover district expenses. Mr. Moores and Director Heinzer will get together regarding LAFCO.

5 NEW BUSINESS

- 5A Appointment of Marvin Satuloff for vacancy on Board: Director Balzer said that Al Thompson no longer wished to be an appointee, but Mr. Satuloff had agreed to join the Board on December 1, 1991. Mr. Satuloff stated his stance as a Board member will be to negotiate compromise and keep out of court; the home owners should be given fair and equitable treatment. A motion to approve the appointment of Marvin Satuloff to the short-term vacancy on the Board was made by Director Scaramella, seconded by Director Aeschliman, and carried unanimously.
- 5B Appointment of Rex Dunning as Fire Chief: Robert Smith's letter of resignation as fire chief but remaining as a fireman was read. Director Heinzer moved that Mr. Smith's resignation as fire chief be accepted with great appreciation for his services and that the district appoint Rex Dunning as fire chief. The motion was seconded by Director Aeschliman and carried with Director Dunning abstaining.
- 5C Set meeting date for organization of new Board; discuss changing time of regular meetings: The new Board starts on November 30. Director Balzer asked for consideration of scheduling the meetings the first Saturday of the even-numbered months rather than the second Saturday of the odd-numbered months. Such a change can be done by resolution with proper notice according to the by-laws. A motion to hold a special organizational meeting at Director Balzer's home at 14961 Navarro Way at 10:00 a.m. on Saturday, November 30, 1991, was made by Director Heinzer, seconded by Director Aeschliman, and carried unanimously.
- 5D Contract with E. L. Scaramella as consultant: Considering Director Scaramella's expertise and his long-association and knowledge about district matters, a contract to pay him \$2 per year as a consultant after his term is completed on November 30 was presented. A motion to approve the contract with Mr. Scaramella was made by Director Aeschliman, seconded by Director Heinzer, and carried with Director Scaramella abstaining.
- 5E Writing of an all-inclusive policy manual: It was hoped that the administrator the district is anticipating hiring would develop such a policy manual based on the CSDA policy handbook.
- 5F New application form for hookups: A motion that the district adopt the new hookup application form as presented was made by Director Heinzer, seconded by Director Dunning, and carried unanimously.
- 6 ADJOURNMENT: Attorney Turner requested the Board amend the agenda to have a closed session on legal matters with the new directors present. A motion to go into such a closed

Minutes of November 9, 1991, meeting

executive session before adjournment was made by Director Heinzer, seconded by Director Aeschliman, and carried unanimously.

After returning from the executive session, a motion to adjourn the meeting was made at 12:00 by Director Dunning, seconded by Director Scaramella, and carried unanimously.

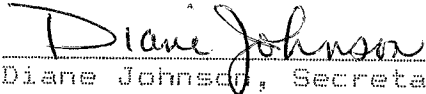
Respectfully submitted,



Rudy Beran, 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, JANUARY 11, 1992

- 1 CALL TO ORDER AND ROLL CALL: Chairman Balzer called the meeting to order at 10:05 a.m. at Garcia Grange in Manchester. Directors Aeschliman, Satuloff, Beran, Balzer and Heinzer were all present. Also present were David Rosendale, Gene Scaramella, Charlie Acker, Alan Turner, Diane Heinzer, Al Fisher, Dorothy Engle, Wil Edelbrock, Kathy Edelbrock, William Moores, Gordon Moores, Rex Dunning, Diane Aeschliman, and the district's secretary Diane Johnson.
- * Chairman Balzer requested that item 6A on the agenda-- introduction of Charles Acker as a potential backup to John Acquistapace--be considered after approval of the minutes. Director Beran so moved; the motion was seconded by Director Heinzer and carried unanimously.
- 2 APPROVAL OF MINUTES: After a correction on the minutes of November 30, 1991, a motion to approve the minutes of November 9, 1991, as presented and the minutes of November 30, 1991, as corrected was made by Director Heinzer, seconded by Director Beran, and carried unanimously.
- 6A Introduction of Charles Acker as a potential backup for John Acquistapace: Charles Acker who is manager of the Elk water system was introduced. Mr. Acker has agreed to fill in when John Acquistapace is gone; this would relieve Mr. Acquistapace from working seven days per week. Mr. Acker has already been partially trained on our system. Chairman Balzer asked the board to approve the tentative arrangement and to authorize Chairman Balzer to appoint a committee consisting of Gene Scaramella, John Acquistapace, Mr. Acker, and a board member to iron out the details of Mr. Acker's employment with the district. A motion for such approval and authorization was made by Director Beran, seconded by Director Heinzer, and carried unanimously.
- 3 APPROVAL OF EXPENDITURES for November and December: The expenditures for November and December were approved by a motion made by Director Heinzer, seconded by Director Beran, and carried unanimously.
- 4 REPORTS and any action required as a result of reports:
- 4A Treasurer: Treasurer Aeschliman expressed concern over expenses of additional state requirements and continuing legal expenses. Projections will have to be made on the basis of the new state requirements to see if higher rates are needed.

- 4B **Fire Chief:** Due to a family emergency, Fire Chief Rex Dunning was not present until later in the meeting. Chairman Balzer reported that the fire house plans are in the hands of the county planning department in Ukiah.
- 4C **Water Quality:** Gene Scaramella reported that the district is working on the turbidity problems the district has been experiencing since the storm. The district has until March 10 to respond to the state on how the district will comply with the new regulations; any necessary changes must be completed by 1993. Chairman Balzer wanted the record to show that paying Mr. Scaramella only \$2 a year for the dedication and expertise he continues to bring to the district is the biggest bargain in the whole world.
- 4D **Progress on claims against the district:** Director Satuloff reported that he and Director Balzer so far have met with Mr. William Moores for a total of about 12 hours in an attempt to negotiate and settle outside of court Mr Moores' claims against the district. They are reviewing documents from Mr. Moores and from the district's records, going through every single paper and assuring a sufficient audit trail and justification, conferring with attorneys, and weeding out valid and invalid claims. No decisions are made during the process. Both sides are working in the spirit of good faith. Director Satuloff said that loopholes in the July 1988 agreement seem to distort the intent of the agreement, but one cannot litigate intent.
- 4E **Progress on Inn Site:** Director Balzer read from a letter from the district's attorney Fran Layton which said that the district, per the July 1988 agreement, has not agreed to pay any costs for transmission lines, etc. necessary to deliver water to the inn site in Unit #6. Director Balzer made reference to Gordon Moores' letters in which he offered to pay approximately \$931 expenses involved in the inn site and that his engineer would submit a report on the way to get a 500 gallon flow. Progress on the inn site issue has come to a standstill until the question of reimbursement of district expenses can be resolved. Mr. Moores said that a larger diameter water line in unit #1 could both supply the inn site and increase pressure in that unit for fire protection purposes. Or, he said, an 8" line could go directly to the inn site. He raised the question on who would be responsible for costs. Gene Scaramella said that costs should be borne by those who will benefit and whatever costs are incurred are for the benefit of the inn site only.

Gordon Moores said that some of the expenses the district had on the inn site had not been agreed to by him first; he suggested all future district expenses on the inn site be authorized by a board member and the inn site developer. He also needed to know what route the district wanted the inn site water lines to take before he could proceed with design work. William Moores explained why his engineer felt that

while the pressure in Unit #1 was adequate for normal residential use, that increased pressure was needed in Unit #1 for fire use. His engineer also did not favor a pressure valve in Unit #3. A decision from the board on the route the system would take was needed, he said.

Director Heinzer said that the district should not be restricted on expenses for getting the necessary information. Director Satuloff said the district may need its engineer Mark Vogel to come to Irish Beach for a meeting to help in determining the best approach. William Moores then said it would be more cost effective to have the line go down the road. Attorney Alan Turner asked Mr. Moores if he saw his engineer's plan as a formal proposal; Mr. Moores said he did not. He also did not agree to the expense of Mr. Vogel coming to Irish Beach for a meeting.

With regard to the unreimbursed district expenses, Alan Turner said it is reasonable that the board adopt a policy involving developer/district reimbursement on expenses already incurred; it is not worth attorney time to resolve. A mechanism for payment on future expenses should be set up.

Director Beran moved that the district stop spending money for the inn site until it is resolved how expenses will be paid. The motion was seconded by Director Aeschliman and carried with Director Satuloff's vote opposing. Director Beran felt the district needed to resolve what to do on the inn site. Director Balzer said a committee had been appointed to work out the details and expenditures with both parties in agreement; the board will not make further expenditures until the problems are resolved.

Director Heinzer moved that the board accept engineer Vogel's recommendations on the line to the inn site and that the developer be directed to submit plans which will comply. The motion was seconded by Director Beran and carried with Director Satuloff abstaining.

4F **Safety Committee:** David Rosendale and Director Balzer had attended the mandatory safety workshop session given by the district's general liability insurance carrier, Special District Risk Management Authority. Mr. Rosendale told the content of the meeting, the district's compliance to date of last year's safety committee report, and the need for further compliance of those items reported in this year's report.

4G **Chairman:** Chairman Balzer reported that the district's engineer, accountant and attorney need to file a conflict of interest statement; Director Beran is working on an overall policy manual; the district will comply with monthly training sessions for all employees as mandated by SB 198; finding an administrator is proving difficult; Gordon Moores has promised to replace the district's chain across the road to the upper diversion which was removed and taken by loggers.

5 OLD BUSINESS:

5A Unit 5 - status of progress towards final map: A planning committee for fire truck access to Unit #5 is scheduled for February 20. It was reported that the county required an "all weather" road to be maintained by the developer. William Moores expressed disappointment that the district's fire chief had not discussed it with him before recommending a paved road; Mr. Moores felt the easement should be left barren ground without any paving. Director Satuloff suggested a "maintained easement" clause in the easement. Fire Chief Rex Dunning agreed on a gravel road if maintained. Director Satuloff moved that the district accept a gravel surface maintained by the developer which is adequate for fire traffic as fulfillment of the improvement. Director Beran seconded the motion which was carried unanimously. Director Satuloff commented that the board sought to protect the financial aspects of the developer which should be reciprocal in the future.

5B Errors and omissions insurance: Chairman Balzer explained that the district was carrying errors and omissions insurance in excess of that provided by Special Districts Risk Management Authority and felt the excess with Gallagher Heffernan should be cancelled which would realize a one-half year refund. A motion to cancel the insurance with Gallagher Heffernan was made by Director Beran, seconded by Director Aeschliman, and carried unanimously.

5C William Moores request for hookup to one of acreage parcels: It was explained that the 1988 agreement specifies that any water provided to those parcels be for residential use only. Also a resolution had been approved on September 1989 to not accept any prepaid fees for lots not in the planning stage for residential building. A letter had been written explaining the board's decision. William Moores asked if the board was prepared to not accept hookups until all permits were issued. He questioned the board not accepting the 950' water line of Mr. Martin which was constructed to district standards and paid for by Mr. Martin. Director Satuloff stated that it is not in the district's interests to incur additional administrative costs in accepting a line which was not being used and thus effecting revenue; he felt the developer's view was extremely narrow and could not be dealt with at a board meeting. Alan Turner stated that the line did not need to be accepted by the district when the district didn't authorize or need construction of the line; private parties building a system and asking the district to accept it is not the way it is done.

In essence, William Moores said that he was requesting a prepaid hookup to one of his acreage parcels just to force the board's acceptance of the Martin line. The consensus of

the board was to deny the hookup as per the November board meeting.

6 NEW BUSINESS:

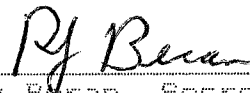
6A (See after 2, above.)

6B Increase in water rates: Chairman Balzer explained that water rates have not been increased in six years. He asked approval to appoint a committee to investigate and present the board with a plan regarding a possible rate increase at the next meeting. A motion to authorize Chairman Balzer to appoint such a committee was made by Director Heinzer, seconded by Director Aeschliman, and carried unanimously. Director Satuloff wanted the district/committee to consider the possibility of the district paying Mr. Moores' alleged claims and whether this should be considered in any increase or if a special assessment would pay for any such possible payment.

6C Projects for the coming year: This item was tabled for this meeting.

7 ADJOURNMENT: A motion to adjourn at 12:30 was made by Director Heinzer, seconded by Director Beran, and carried unanimously.

Respectfully submitted,



Rudy Beran, 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, MARCH 14, 1992

- 1 CALL TO ORDER AND ROLL CALL: Chairman Balzer called the meeting to order at 10:00 a.m. at the Garcia Grange in Manchester. Directors Aeschliman, Beran, Balzer, Satuloff and Heinzer all were present. Also present were David Rosendale, John Acquistapace, Reese Tripp, Mildred Tripp, Wil Edelbrock, Rex Dunning, Al Fisher, Alan Turner, and the district's secretary Diane Johnson.
- 2 APPROVAL OF AGENDA: Chairman Balzer asked that Certification Pursuant to California Water Code Section 35041 be added as the first item of business because it is mandatory that this certification of assessable area within the district be accomplished by the end of March. A motion to add this item to the agenda and to formally approve the certification was made by Director Satuloff, seconded by Director Heinzer, and carried unanimously.
- 3 APPROVAL OF MINUTES of regular meeting 1-11-92: A motion to approve the minutes as presented was made by Director Heinzer, seconded by Director Aeschliman, and carried unanimously.
- 4 PUBLIC INPUT: Director Heinzer suggested that the letter sent to the Department of Health Services protesting the assessment of the district at the same rate as other districts be sent to the legislators, too. Director Balzer said that Harry Brown of California Rural Water Association had suggested that the letter only be sent to Public Works.

Reese Tripp asked if Director Satuloff still felt confident about his negotiating with Mr. Moores regarding Mr. Moores' claims against the district. Director Satuloff reported that he did and that until the last two weeks when the parties involved were not available to meet, they had been meeting once a week and checking every receipt and issue one by one. A thorough understanding of the claims is being obtained, but no actual negotiations are being made; negotiations will be by Board authority.
- 5 APPROVAL OF EXPENDITURES for January and February: A motion to approve the expenditures for January and February was made by Director Beran, seconded by Director Heinzer, and carried unanimously.
- 6 REPORTS and any action required as a result of reports:
 - 6A Safety Committee: David Rosendale reported that monthly safety meetings with the employees required by SB 1908 and

the district's insurance carrier are being held. A sign stating the road is unsafe for vehicular traffic had been posted at the bridge to the upper diversion, and a caution sign had been posted in the chlorine room.

6B **Fire Department:** Fire Chief Rex Dunning said that a list of houses with gas has been posted in the fire truck. Weeds around the hydrants had been sprayed. The plans for the fire house were still at the country awaiting approval.

6C **Water quality:** Gene Scaramella could not be present, but a copy of his letter to State Health Services was noted, along with his memo to the Board on the two options that the state has given the district to conform to the new regulations. Option one, costing approximately \$4,000, would require purchasing additional testing and monitoring equipment and would require more operator time. Option two, costing approximately \$8,800 if capacity is doubled, would require adding an additional mixer and mixing tank to improve filtering efficiency; this would require less monitoring and service time. The second option should take care of excess turbidity in rainy weather, up to 30 gallons per minute.

Mr. Scaramella asked the Board's approval to get firm quotations to make the modifications needed for 1(a) double and 1(b) triple capacity of mixers. A motion to approve obtaining these quotations was made by Director Satuloff, seconded by Director Aeschliman, and carried unanimously. (See modification to this motion below.)

The question of the district's realization in the last six months that the treatment plant does not produce according to engineering specifications was brought up. The district's attorney Alan Turner said that discovery of inadequacy determines when the statute of limitations expires. The district needs to go to the engineers who designed the plant at 50 gallons per minute to ask why only 10 gallons per minute are being realized. The issue is a subject for an executive session.

After a long discussion Director Satuloff moved that his motion on this subject be modified to approve 1(a) and 1(b) of Mr. Scaramella's memo and ask Mr. Scaramella to provide a time line why the present plant is not adequate as to government requirements and specifications. The motion was seconded by Director Heinzer and carried unanimously.

6D **Rate Increase Committee:** Director Aeschliman reported that a rate increase will be required; water use is down and costs are up due to new regulations, fire department requirements, and legal bills. The need for an administrator will also increase costs. Hookups for this fiscal year are proving less than anticipated. A better handle on construction activity is needed so that any increase will cover costs for a long time.

6E Chairman: Chairman Balzer had received in the mail an inventory on water availability in the county which is available for perusal. He was also in receipt of a special report regarding "Proper License Classifications Required for Private and Public Construction" which states that to legally perform construction work it is not enough for a contractor just to have a contractor's license; that license must be issued for the specific type (or classification) of work that is to be done. A copy of the report will be given to each director.

7 OLD BUSINESS:

7A (This item was addressed after item 7C.)

7B Authorization to proceed with plans for replacement of bridge: Board approval is needed to put a cement slab with a culvert under it rather than replacing the bridge on the road crossing the creek. Fish and Game had been notified. A motion to authorize the cement slab and culvert was made by Director Heinzer, seconded by Director Aeschliman, and carried unanimously.

7C Authorization to proceed with painting and fence for tank three: Painting and fencing tank 3 is in the budget for the current fiscal year. A motion for authorization to proceed with exploration of costs of painting the tank and installing a fence for tank 3 was made by Director Heinzer, seconded by Director Aeschliman, and carried unanimously.

7A Approval of contract with Charles Acker: Alan Turner felt this subject should be addressed in closed executive session. It was explained, however, that the district would be entering into an agreement with Mr. Acker who is active in the Elk water system and has installed wells along the coast. He would be working with John Acquistapace on learning the district's system and would be available to provide Mr. Acquistapace more time off.

8 ADJOURNMENT: A motion to adjourn was made at 11:25 a.m. by Director Heinzer, seconded by Director Satuloff and carried unanimously. The Board then had a brief recess before going into a closed executive session.

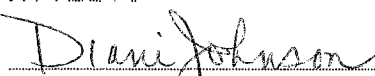
Respectfully submitted,



R. J. Beran, 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 MAY 9, 1992

1. **CALL TO ORDER AND ROLL CALL:** Chairman Balzer called the meeting to order at 10:03 a.m. at the Garcia Grange in Manchester. Directors Aeschliman, Beran, Balzer, and Heinzer were present. Absent was Director Satuloff. Also present were John Acquistapace, Reese Tripp, Mildred Tripp, Wil Edelbrock, Betty MacKenzie, Bettye Winters, Charles Acker, Gene Scaramella, and Alan Turner. Diane Aeschliman substituted for Diane Johnson as District secretary.
2. **APPROVAL OF AGENDA:** Director Heinzer asked that a discussion of toxic materials involving septic tanks be added to the agenda. Director Beran **moved** to approve the Agenda, Director Heinzer seconded, the motion passed unanimously.
3. **APPROVAL OF MINUTES** of regular meeting 3-14-92. A correction on Page 3, Section 7B: sentence should read Fish and Game had been notified. A **motion** to approve the minutes as corrected was made by Director Heinzer, seconded by Director Aeschliman and approved unanimously.
4. **PUBLIC INPUT:** Director Heinzer voiced his concern about the recent drug bust at Irish Beach, specifically the dangerous materials getting into the septic system and leaching into the soil. He has called various agencies and Alan Turner.

Alan Turner stated that the County's responsibility and authority is in the midst of being transferred to a fire district. At the present time there is no definitive answer to the problem. The Irish Beach Water District has no ability to handle the situation at this time.

Director Heinzer had contacted the State and the Surveillance and Enforcement Unit (after a government agency such as the County makes a determination of the substance, this Unit follows through and makes sure corrections are made). Great care must be taken when the septic system tank lid is lifted so that chemicals and methane gas do not cause serious injuries.

Alan Turner stated that the present initiative by the District to determine the extent of possible harm or risk is all the District can do at this point. Presently there is no threat to ground water or services or residents of the District. From a purely civil liability standpoint, if there is harm to the system, or a threat to the residents, it is more likely the County that has initial

responsibility and the Water District only secondarily. There are things that can be done under nuisance statutes and under civil liabilities to make the land owners and their agents responsible for harm arising out of negligence or wrongful conduct. The District should allow other agencies to take the the primary responsibility so long as there is satisfactory information.

An item should be included in the next Water District Newsletter informing all property owners of the risks involved with this situation. Director Aeschliman also suggested that the past drug lab history in Irish Beach be included along with articles printed in the local papers (The Press Democrat and The Independent Coast Observer).

Alan Turner stated that in maintaining a public nuisance, the courts will inquire into just how those things are maintained and whether or not a court order ought to be effective in controlling a public nuisance. Citizens are entitled to take action in order to cause it to be abated. The affect of the conduct and the risk to the public and the harm which is clearly present, constitutes a nuisance. The court could decide that the responsible parties are not only the owners but the agents and there must be intervention in the process itself in order to limit further occurrences. If there is a threat of harm or a risk to water system, the District has the statutory authority to do something about it.

Director Heinzer summed up the proposed action:

1. Send a letter to every home owner advising them of the situation.
2. Locate the correct agency to put on notice.

5. **APPROVAL OF EXPENDITURES:** Director Aeschliman reported on the survey of lot owners regarding future building activity. The survey indicated that 10 homes per year will be built for the next 3 years, resulting in 180 homes in the District by 1995. The average water usage per hookup has decreased due to water conservation.

Gene Scaramella stated that in April there were 143 hook-ups which averaged 104 gallons of water per day per hook-up.

Director Aeschliman stated that the District is looking at 2 time periods:

1. Possible rate increase going into effect next year
2. Mallo Pass at least 7 years away

Alan Turner stated that public comment should be solicited before action should be taken.

He mentioned that he had a discussion with a district engineer who predicted the demise of small water districts due to the fact that State and Federal requirements for the operation of these districts are imposing enormous costs per system and that very often only larger districts or municipalities are able to pay the costs of upgrades, etc. which are required for treatment of water. Smaller districts may opt to join other systems or contract for water. Mergers, consolidations, task forces, etc. will be needed.

A **motion** was made by Director Heinzer to approve the Expenditure and Treasurer's Report. It was seconded by Director Beran and passed unanimously.

6. **REPORTS** and action required as a result of reports:

- 6A **Water Quality** (Gene Scaramella): The supply from the stream is over the weir which means that it cannot be measured (for the month of May). The well is only used on a regular basis to provide water for Al Fisher and one or two days/month to keep the water moving. Charlie Acker has been putting in a few hours per week. The State Dept. of Health dealing with issues in changes of regulations is requiring a response by June 1. The District will be applying for an Amended Water Supply Permit.

The plant that was built in 1986 is not doing as well as it should (turbidity levels not adequate, mixing system not large enough). The State wants polymer holding tank doubled.

6B **Chairman**

Chairman Balzer stated that augmentation money will be received this year. The amount is not known at this time.

Errors and Omissions insurance policy was canceled, \$2,000 will be refunded.

Firehouse - Planning Commission has okayed the project, the project will move ahead. Further discussion will be needed on funding.

Unit 5 - Was scheduled to be heard before the Planning Commission on May 7th, but has been delayed until May 21st. W. Moores has made an official protest to having the alternate exit/entrance for the fire truck. The Coastal Commission will no longer involve themselves in permits

at Irish Beach except for certain septic systems. The Planning Commission has not yet looked into septic systems for Unit 5.

Chairman Balzer asked John Acquistapace for an estimate on costs to fix leaks (time and materials). A statement of costs will be prepared by John.

Director Satuloff and Chairman Balzer continue to meet with Bill Moores from time to time. More information should be forthcoming in 4 to 6 weeks.

7. OLD BUSINESS:

- 7A **Gate Across Road to Upper Diversion:** The gate was installed to prevent access to Upper Diversion where bulk of the District's water comes from. When logging started, the poles and chains disappeared. Gordon Moores agreed to replace them, nothing has been done. Alan Turner said the first thing to do is find out the cost to replace it, make demand for payment, and if unsuccessful take the matter to Small Claims Court.

Don Sorenson and Chairman Balzer went to bridge (crossing area) to have an estimate prepared for a cement slab across the creek. An available 45 foot railroad car bridge in Philo (\$2500) might be suitable. Chairman Balzer will follow-up on both solutions. Director Aeschliman suggested a warranty for the cement slab. A licensed contractor must be used for the cement slab or railroad bridge, and a statement regarding the bridge's suitability for safe use for the intended purpose must be obtained.

- 7B **Painting of Tank #3:** A bid was received from the people who did the original job (Eureka) on both tanks. The whole tank would be sandblasted and the cost would not exceed \$6,500.

Joel Pennock from Albion who does tank painting said he would power brush all rust areas, prime the areas, paint the tank with one coat of heavy enamel, for a cost of \$950. Gene Scaramella said the top of Tank #1 needed to be re-painted. An estimate is needed for this tank too. Director Beran made a **motion** to hire this man and spend up to \$1500 subject to a check on suitable references. Director Heinzer seconded the motion and it was carried unanimously.

8. **NEW BUSINESS:** The Irish Beach Improvement Club has not officially approached the Water Board regarding the rental of office space in the proposed Clubhouse. Chairman Balzer asked the Directors to think about what would be a reasonable

sum to pay for rental space. Director Heinzer will prepare a time-frame for the Board.

9. **ADJOURNMENT:** Director Heinzer made a **motion** to adjourn to executive session at 11:50 a.m., seconded by Director Aeschliman and it was carried unanimously.

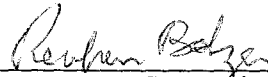
CLOSED SESSION:

Attendees:

Jon Heinzer
Reuben Balzer
Rudy Beran
Roger Aeschliman
Charlie Acker
Gene Scaramella
Alan Turner

Subject: The Board discussed the employment of Charles Acker by the Irish Beach Water District.

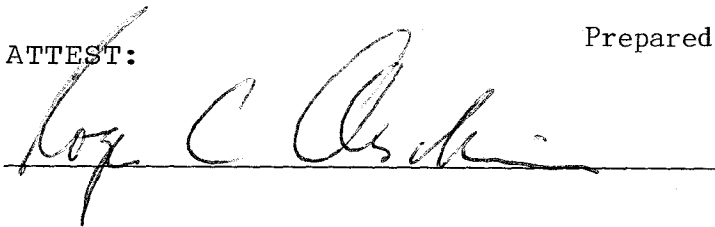
Respectfully submitted,



Reuben Balzer, Present -
for R.J. Beran, Secretary

Prepared by Diane Aeschliman

ATTEST:



IRISH BEACH WATER DISTRICT
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, JULY 11, 1992

- 1 CALL TO ORDER AND ROLL CALL: President Balzer called the meeting to order at 10:00 a.m. at the Garcia Grange in Manchester. Directors Aeschliman, Balzer and Heinzer were present. Directors Satuloff and Beran were absent. Also present were Nancy Menken, Harriet Burmania, Rex Dunning, Betty MacKenzie, Al Fisher, Dorothy Engle, Janet Dunning, David Rosendale, Gene Scaramella, Alan Turner (the district's attorney) and Diane Johnson (the districts's secretary).

President Balzer read a memo signed by Director Satuloff stating that he was in agreement with the proposed resolution which had been faxed to him on 7/1/92 regarding the claims of William Moores against the district and on any other matters the directors present at the meeting voted upon.
- 2 APPROVAL OF AGENDA: A motion to approve the agenda was made by Director Aeschliman, seconded by Director Heinzer, and carried unanimously.
- 3 APPROVAL OF MINUTES: A motion to approve the minutes of the May 9, 1992, meeting as presented was made by Director Aeschliman, seconded by Director Heinzer, and carried unanimously.
- 4 PUBLIC INPUT: No public input was offered.
- 5 APPROVAL OF EXPENDITURES: A motion to approve the expenditures for May and June was made by Director Aeschliman, seconded by Director Heinzer, and carried unanimously.
- 6 REPORTS and any action required as a result of reports:
 - 6A Treasurer: Treasurer Aeschliman reported that the rate increase discussed previously would definitely be needed. The increase, principally in fixed charges (service charge and availability charge), would be submitted for discussion at the next meeting. The increase would also provide for equipment replacement and additional equipment needed to conform to new state regulations.
 - 6B Safety: David Rosendale, Safety Committee Chairman, reported that the employee safety meetings required by SB198 were being held monthly. A district safety inspection had been conducted in June and items requiring remedy were listed. An inspection by the district's insurance carrier, Special Districts Risk Management Authority, had also been conducted.
 - 6C Water: Gene Scaramella reported that June water usage was quite high; unit 9 well production was kept down to save

pumping costs. Surplus PVC pipe not up to current standards and regulations could be sold. Mr. Scaramella had been looking into current prices for this pipe and potential buyers. He asked the Board's authorization to pursue sale of this pipe. After a short discussion, Director Heinzer moved that Mr. Scaramella be authorized to arrange for the sale of surplus pipe. The motion was seconded by Director Aeschliman and carried unanimously.

Mr. Scaramella also reported that the State Health Department had accepted the district's Emergency Plan and Site Sampling Plan; the Operations Plan was tentatively accepted. The options available to conform to the new state regulations were outlined. Rescue Engineering had estimated \$8,940 for a 300 gallon mixing tank which would supply 20 gallons per minute, or \$11,540 for a 600 gallon mixing tank which would supply 30 gallons per minute. Mr. Scaramella and plant operator John Acquistapace recommended the 600 gallon tank. A recorder chart would also be needed for the turbidity meter which would shut down the plant if the turbidity exceeded .5. Additional equipment could cost \$1,700. Authority was requested to work out final details and arrange for the work to be done.

Attorney Turner said that the state contractors district code requires some public entities to advertise for bids for any costs over \$10,000 and others for costs over \$25,000. However, a special district such as Irish Beach is not in either listing. He suggested that a resolution could be adopted at a future meeting as an alternate to the code, declaring that the district did not have to advertise for bids for amounts under \$25,000.

After discussion, a motion was made by Director Heinzer to authorize Mr. Scaramella to proceed with the project to modify the facility plant to meet requirements of the State Health Department's Office of Drinking Water with the understanding that the district will adopt the state alternate to the public contractors district code. The motion was seconded by Director Aeschliman and carried unanimously.

6D Chairman: Chairman Balzer reported that an alternate exit from unit 5 is needed. The final map in the works; the county Board of Supervisors will guarantee an alternative exit. The inn site project was initiated by William and Gordon Moores two years ago, but the site still has not been formally separated from the larger parcel on the east side of Highway One.

7 OLD BUSINESS:

7A Approval of stream crossing construction: The original plan for a "rail car" bridge had not proved feasible, and a concrete slab would cost about \$7,800. A galvanized culvert would cost approximately \$3,800. A permit had been obtained

from the Department of Fish and Game for a culvert. A motion was made by Director Aeschliman to authorize Director Balzer to continue negotiations and to approve the necessary funds with a limit of \$5,000 for the acquisition of a culvert as a stream crossing. The motion was seconded by Director Heinzer and carried unanimously.

- 7B Report on fire house construction; approval of bid; discussion on financing and possible assessment: Fire Chief Rex Dunning reported that four bids had been received; all four contracts are in good standing with the contractors' board. The bids were \$20,204, \$21,678, \$21,798, and \$25,520; Virgil Knoche was the lowest bidder, promising to complete the project in 20 days. Mr. Turner said that the district was obligated to take the lowest responsible bid. After a short discussion, a motion was made by Director Heinzer that the district accept the lowest bid from Virgil Knoche, accepting the plastic skylight option, with the condition that if the project is not completed within 30 days that a penalty of \$200 a day be imposed for every day over 30 days. The motion was seconded by Director Aeschliman and carried unanimously.

A discussion followed on financing the fire house. Mr. Turner said that operations monies could be used to build the fire house as long as an accounting is made and the money is paid back from monthly fire department income from property owners and from any augmentation funds received. Director Aeschliman said that the cost of the fire house would be a part of the budget for the coming fiscal year. Mr. Turner said that the district could proceed with the project.

8 NEW BUSINESS

- 8A Report on status of claims against district and action concerning solution of problem: A brief statement of the issues involved was given to all those in attendance. Chairman Balzer then read an update on lawyers consulted and Directors Satuloff's involvement in the sessions with Director Balzer and William Moores to attempt a compromise. However, it became obvious that Mr. Moores was not interested in a compromise. A closed executive board session had outlined the options the board could take. Chairman Balzer then read Resolution 92-1 written by Mr. Turner which resolved that (as changed in the motion): 1) the claims of William Moores relating to the July 6, 1988, contract are not proper charges against the District and they are hereby denied; and 2) payment of the claims as presented would constitute a breach of public trust in that the costs of private land subdivision and development for profit would ultimately be paid with public funds derived from assessments imposed upon District property owners.

Mr. Turner explained that with the claims came the threat of litigation and consequences. Working through attorneys had been unsuccessful. The majority of the claims Mr. Moores was

unable to prove or justify. If the District would accede to the demands to avoid litigation, the District would be bankrupt; if the District agreed to Mr. Moores' demands, the cost would have to be passed along to present property owners for the benefit of Mr. Moores' properties. The District may not spend public monies on bad claims. After the unsuccessful negotiations for compromise with Mr. Moores, adoption of the resolution would leave the decision with Mr. Moores whether he would proceed with litigation where he would have to prove in court all claims by evidence. After further discussion, a motion to approve the resolution denying the claims of William Moores was made by Director Aeschliman, seconded by Director Heinzer, and carried unanimously by roll call vote. It was noted that by Director Satuloff's memo read at the start of the meeting he had cast his affirmative vote for this resolution; Director Beran was absent.

9 ADJOURNMENT: A motion to adjourn was made by Director Heinzer, seconded by Director Aeschliman, and carried unanimously.

Respectfully submitted,

R. J. Beran

R. J. Beran, Secretary

Prepared by Diane Johnson

ATTEST:

Diane Johnson

Diane Johnson, Secretary to the Board

IRISH BEACH WATER DISTRICT
MINUTES OF THE REGULAR MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, SEPTEMBER 12, 1992

- 1 CALL TO ORDER AND ROLL CALL: Chairman Balzer called the meeting to order at 10:03 a.m. at the Garcia Grange in Manchester. Directors Aeschliman, Satuloff, Balzer, Beran and Heinzer were all present. Also present were Gene Scaramella, Rex Dunning, Dorothy Engle, Alfred Thompson, Wil Edelbrock, attorney Alan Turner, and secretary Diane Johnson.
- 2 APPROVAL OF AGENDA: The agenda was approved on a motion made Director Satuloff, seconded by Director Aeschliman, and carried unanimously.
- 3 APPROVAL OF MINUTES of regular meeting of 7-11-92: A motion to approval the minutes as written was made by Director Heinzer, seconded by Director Aeschliman, and carried with Directors Satuloff and Beran abstaining.
- 4 PUBLIC INPUT: There was no public input.
- 5 APPROVAL OF EXPENDITURES for July and August: A motion to approve the expenditures was made by Director Satuloff, seconded by Director Beran, and carried unanimously.
- 6 REPORTS
 - 6A Treasurer's Report: Treasurer Aeschliman reported that increased rates and an assessment for the new fire house were being considered; over \$2,400 was paid in August for an audit; and the district is considering changing firms for financial services. Director Satuloff requested to be included in the decision regarding a financial services firm.
 - 6B Water Operations: Consultant Gene Scaramella reported regarding the year's holiday usage and flow survey; holiday occupancy this year was the largest the district has had; the stream was down from last year's level. Mr. Scaramella will not be renewing his consulting contract with the district after December 31, 1992; he felt John Acquistapace and perhaps one more hour a week for Charley Acker would suffice to accomplish the work he had been doing.

Attorney Alan Turner explained that the Board could safely assume that the district could be considered a "municipality." It was his advice the district could forgo the bidding process on construction of the new fire house, but that a resolution and ordinance should be adopted to formally state that the district's "clear force" account limits are \$25,000.

Director Satuloff questioned whether the quotation/bid from Rescue Engineering for updating the water treatment plant was a fixed price, if the work would be warrantied in accordance

with specifications, and if a time penalty clause should be considered. After discussion, Director Satuloff moved that subject to obtaining a signed letter from Rescue Engineering fixing price agreeing to warranty that the work will be to specifications, the district approve the expenditure of \$11,240. Director Heinzer seconded the motion, and it carried unanimously.

6C **Fire House:** Fire Chief Rex Dunning reported that the fire house may be on the October Coastal Commission agenda. Out of 19 fire abatement notices sent, cleanup on 14 was completed by owners, 2 the district had arranged for cleanup and billed to the owners, and 5 are still on hold.

6D **President's Report:** President Balzer reported that contacts are being made to complete the stream crossing. Cathodic Protection Services' contract on protective maintenance of the district's two tanks would cost \$539 to renew. A motion to authorize President Balzer to sign the contract with Cathodic Protection Services was made by Director Aeschliman, seconded by Director Heinzer, and carried unanimously. The district's insurance carrier, Special Districts Risk Management Authority (SDRMA), offers earthquake insurance for \$540 for the plant only, not the pipes and tanks; the board's consensus was for President Balzer to check the cost which would include the tanks. SDRMA also requires reporting of safety meetings at board meetings in order to receive premium-reduction points; therefore, it was reported that a safety meeting had been held each month and minutes were taken at each meeting (future meetings to be at reported each board meeting).

A California Coastal Commission (CCC) ruling which should be in effect mid-October will cancel the requirement for property owners to deal with the CCC except regarding mounded septic systems. Director Beran is in the process of writing a complete policy manual for the district.

7 OLD BUSINESS

7A **Discussion of water requirements for the inn site and any other aspects of the inn site that require discussion:** Director Heinzer will direct a letter in response to Mr. Moores' letter and will also verify Mr. Moores' figures with the district's engineer and obtain written assurance that the developer will reimburse the district for any costs it incurs relative to the inn site.

* (not an agenda item) President Balzer reported that someone else besides Dave Rosendale was needed to attend the SDRMA workshop in Sacramento on November 9 and 10. Director Heinzer agreed to attend.

8 NEW BUSINESS

8A Rate increase discussion: Director Aeschliman reported on a proposed rate increase (the first since 1984) of 50% on flat charges and 20% on usage charges, explaining that: nearly all of the district's expenses were "fixed"; a reserve was needed for facility replacement; legal bills have been averaging \$20,000 per year. Also considered was a special assessment for the fire house. Director Satuloff wanted a more formal rationale on the increase percentage. He wished to go on record that he was shocked that the board has been pursuing the construction of a new fire house without having voted on how to pay for it. Director Balzer said it was assumed that the fees garnered for the fire department from customer payments would eventually pay for the building; no question about payment had been made before this meeting.

Alan Turner said that setting rates is a function of the Board. Justification of a resolution adopting an increase should be presented at a public hearing, with notification in the newspaper, inviting public comment at the meeting.

After a long discussion, Director Aeschliman suggested deferring any special assessment for the fire house. The rate increase public hearing could be held at the next board meeting in November. Director Satuloff questioned how the district could operate as a business with the 1992-93 budget showing a deficit and still build a \$25,000 fire house.

Director Heinzer moved that the district set a public hearing on the rate increase for the next regular meeting in November and in the interim Director Aeschliman will work on the exact figures and rationale with notice in the local newspaper and a notification to all lot owners. The motion was seconded by Director Beran and carried unanimously.

8C Resolution regarding contracts under \$25,00 not needing to go to bids: The resolution written by Alan Turner was presented. Public comments was invited; none was offered. Director Heinzer moved to approve the resolution electing the Irish Beach Water District to become subject to the uniform public construction cost accounting procedure. The motion was seconded by Director Beran and carried unanimously by roll call vote.

The first reading of an ordinance implementing informal bidding procedures authorized by division two, part three, chapter two, article three, California Public Contract Code Sections 22030 et seq., prepared by Alan Turner, was presented. None of the public in attendance desired that the ordinance be read and no public comments was offered. A motion to accept the first reading of the ordinance was made by Director Heinzer, seconded by Director Satuloff and carried unanimously.

9 ADJOURNMENT: A motion to adjourned was made at 12:00 noon by Director Heinzer, seconded by Director Satuloff, and carried unanimously.

Respectfully submitted,

RJ Beran

R. J. Beran, Secretary

Prepared by Diane Johnson

ATTEST:

Diane Johnson

Diane Johnson, Secretary to the Board

IRISH BEACH WATER DISTRICT
MINUTES OF A SPECIAL MEETING
OF THE BOARD OF DIRECTORS
SATURDAY, NOVEMBER 30, 1991

1. CALL TO ORDER AND ROLL CALL: President Balzer called the meeting to order at 11:00 a.m. at 14961 Navarro Way, Irish Beach. Continuing Directors Balzer and Heinzer and outgoing Director Scaramella were present. Continuing Director Aeschliman and outgoing Director Dunning were absent. Also present were incoming Directors Satuloff and Beran; secretary to the Board Diane Johnson; Al Fisher; Wil Edelbrock; William Moores; and Nancy Menken.

Because the new board technically would take office on the following day, which was a Sunday, the quorum of the outgoing board agreed to have the incoming board officially seated at this meeting. The members of the new board present were Heinzer, Beran, Satuloff and Balzer; the absent member of the new board was Aeschliman.
 2. ELECTION OF PRESIDENT: Director Satuloff moved that Director Balzer be retained as President. The motion was seconded by Director Heinzer and carried with Director Balzer abstaining.
 3. APPOINTMENT OF OTHER OFFICERS: President Balzer explained that, by law, officers other than president are appointed by the President with concurrence of the Board. He reported Director Aeschliman had agreed to continue as Treasurer and was so appointed. Director Beran agreed to be Secretary and was so appointed. The position of Vice President would be temporarily appointed when needed. After a short discussion it was decided that signature needed on checks and fund accounts would be any two of three directors: Aeschliman, Balzer, Satuloff.
 4. REPORT ON SAFETY/CLAIMS MEETING SPONSORED BY CALIFORNIA SPECIAL DISTRICT RISK MANAGEMENT AUTHORITY HELD ON NOVEMBER 12-13, 1991: David Rosendale and Director Balzer had attended this meeting in Sacramento. It was explained that Board approval was needed to change the district's official "contact person" with the insurance carrier for safety/claims items from Balzer to Rosendale. David Rosendale had agreed to this change. A motion to change the contact person from Balzer to Rosendale was made by Director Heinzer, seconded by Director Satuloff, and carried unanimously. The report on the meeting will be given at the next regular meeting.
- * ANNOUNCEMENTS: With regard to SB198 on an injury and illness prevention program which was presented at the same meeting, the consensus of the Board was to pay \$260 to the E. J. Simpson company to utilize this program which will become mandatory.

5. CONSIDERATION OF DISTRICT'S RESPONSE RELATIVE TO HEARING OF THE COUNTY PLANNING DEPARTMENT FOR UNIT 5: The district had just received the map which does not show the proposed fire easement which would cut lots 11 and 12 short in unit 5. This easement was on the original map and was a condition imposed by the County Planning Department. Mr. Moores felt that a pipeline easement is on the county map but not a fire easement. Mr. Moores wanted the Board to consider using Sea Cypress Drive as fire access which he stated would be only 600' longer. He stated that according to the "map act", an improvement in a subdivision off-site cannot hold up a final map over 120 days. A long discussion on fire easement possibilities followed. Director Balzer read from a letter from Mr. Belliston of Public Works' dated October 16, 1991, regarding the original map approved with the easement.

With regard to an easement which would be 600' farther, Director Balzer said it would be necessary to check with Fire Chief Dunning on response time. Director Satuloff volunteered to do a traffic study. After a long discussion it was agreed that an unimproved road for fire emergency use only would be considered.

Director Balzer said that Mr. Moores felt the leaks in the unit 5 lines were not his responsibility; Wil Edelbrock was concerned about future septic systems in the area; Gene Scaramella thought the Board should take time to completely consider the problem of unit 5 water lines without being pressured. President Balzer will talk to the Fire Chief regarding possible easement routes; the fire road in unit 5 was then tabled.

It was reported that there are now three known water leaks in unit 5; more could develop. Mr. Belliston of Mendocino Public Works will not pass on the final unit 5 map before he has assurance that the water system is sound. The Board feels that it would be inappropriate to use district money to repair a 15-16 year old system which has not been in use, but a hassle and fight could be involved which would need to be resolved in order to not hold up the final map. Director Satuloff said that Mr. Moores would be willing to pressure test the line at his expense after the known leaks were repaired. An estimate of the cost of repairs will be presented at the next meeting.

- * EXECUTIVE SESSION: The district's attorney (not present) had requested the Board hold an executive session at the end of the meeting to discuss legal matters. A motion to hold the executive session was made by Director Heinzer, seconded by Director Beran, and carried unanimously.

- 6 ADJOURNMENT: After returning from the executive session, a motion to adjourn was made by Director Satuloff, seconded by Director Heinzer, and carried unanimously.

Respectfully submitted,

Rudy Bera
Rudy Bera, Secretary

Prepared by Diane Johnson

ATTEST:

Diane Johnson
Diane Johnson, Secretary to the Board