

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

- 1 CALL TO ORDER: Chairman Balzer called the meeting to order at 10:07 a.m. at 14961 Navarro Way, Irish Beach.
- 2 ROLL CALL: Directors Scaramella, Balzer and Dunning were present. Director Aeschliman was absent and Director Edelbrock had resigned effective November 2, 1990. Also present were Joe Humphreys, Joyce Cary, Rick Andrews, John Acquistapace, Reese Tripp, Mildred Tripp, Gordon Moores, Nancy Menken and Diane Johnson (secretary to the Board). At this time Mr. Edelbrock's letter of resignation was read and Director Scaramella moved the resignation be accepted with regret and appreciation of Mr. Edelbrock's service to the Board and the District during his tenure. Director Dunning seconded the motion and it carried unanimously.
- 3 APPROVAL OF AGENDA: It was noted that item 8D, election of officers for the coming year, would be eliminated from the agenda because only three Directors were present and a special meeting early in December would be held to appoint a new director to replace Mr. Edelbrock and to elect officers.
- 4 APPROVAL OF MINUTES of 9-8-90 meeting: The minutes were approved as corrected by a motion by Director Scaramella, seconded by Director Dunning, and carried unanimously.
- 5 PUBLIC HEARING on first reading of Groundwater Extraction Ordinance: Chairman Balzer explained that the ordinance is patterned on Mendocino Community Services District's ordinance. The ordinance is needed to protect the District's surface and well water sources; such protection is supported by State Water Quality Control and County Environmental Health. People can drill wells but have the burden of proof that the well will not adversely affect the water supply of the District. Section 35409 of the Water Code was read as basis of authority to enact such an ordinance.

Public comments was invited. Gordon Moores felt that Section 35409 does not give the District authority to enact such an ordinance but just to intervene whenever necessary; the ordinance is not logical given the concerns it is addressing, is "overkill" and is not necessary because there is no evidence of a problem. Nancy Menken felt that the Board was reacting in advance of a problem rather than after the fact.

The Board asked Mr. Moores to put his comments into writing so that they could be taken into consideration.

Director Scaramella moved the public hearing for the first reading of the ordinance be closed and comments be taken into

consideration. Director Dunning seconded the motion and it carried unanimously.

6 REPORTS:

- 6A Treasurer's report, including 1) acceptance of final budget for fiscal year 1990-1991 and 2) authorization for audit of fiscal year 1989-1990: Director Scaramella moved that the county auditor undertake the audit for a fee of approximately \$1,500; Director Dunning seconded, and the motion carried unanimously.

Director Scaramella explained that the budget for the first time was broken down by division with a separate fire department budget. Anticipated revenues were approximately \$71,000 and expenditures approximately \$39,000. The anticipated fire department revenues were \$19,500 and expenditures approximately \$9,000. Operating loss before depreciation was approximately \$20,000, making a paper loss of \$7,900 but \$20,000 is allocated to depreciation of proceeds. An expenditure of \$23,000 is expected for a new fire truck, installation of a new fire hydrant, and increase in salaries for employees. Director Scaramella moved the budget be adopted; Director Dunning seconded, and it carried unanimously.

Director Scaramella moved the disbursements for September and October be approved; Director Dunning seconded, and the motion carried unanimously.

- 6B Fire Department reports on 1) fire prevention, 2) new fire truck, and 3) status of fire house construction: Director Dunning reported 36 lots were cited for not being up to fire prevention code and all 36 had complied. A new 1988 fire truck is available in San Leandro for \$15,443 plus sales tax. The truck would then need to be furnished with a service body for approximately \$2,700 plus a 250 gallon tank on the back. After a long discussion Director Dunning moved that the Board authorize Director Dunning to go with Fred Morgan, City of Point Arena Fire Chief, to investigate the fire truck in San Leandro, and if he feels it is adequate to service the District that he put a downpayment on it or another vehicle and then continue to investigate the two options on how to furnish it. The motion was seconded by Director Scaramella and carried unanimously. A report on fire house construction was tabled.

- 6C Systems report on 1) function of well, 2) function of control system for Unit 9, 3) water availability, and 4) integration of system including water pressure for Unit 4 lots: Director Scaramella reported on water usage and production, routing of water distribution, turbidity reports, turbulence, and modification of tank inlet pipes. Mr. Humphrey and Mr. Balzer will take the class to become qualified as plant operators.

- 6D **Safety inspection** by Special District Risk Management Authority (SDRMA) report: David Rosendale was in Sacramento to attend the safety workshop meeting, but his report on the inspection by the District's insurance carrier was considered, in particular: On #1 tank the bottom of the ladder has eroded and needs welding; SDRMA considers this a high priority item. A ladder over 18' in height, as is #1 tank's ladder, must be enclosed in a cage; SDRMA considers this a priority item with no severe time limit. SDRMA also feels that additional volunteer firemen are needed. It was decided that Kentucky John be contacted to make suggestions and give an estimate for welding the eroded bottom of the ladder and constructing a cage.
- 6E **Execute session** report: Chairman Balzer reported that legal matters were discussed at the September 30, 1990, executive session with regard to attorney Phillip Berry's offer to take the judgment against the District's appeal on ad valorem vs. one-vote-per-lot voting to State supreme court at no cost to the District. At the November 10, 1990, executive meeting salary increases for employees was discussed; this report is item 6C on the agenda.
- 6F **President's report:** President Balzer noted that when the District reaches 200 hookups, it will be required to pay money to the State's general fund. Mr. William Moores had sent a letter informing the District that there is a "slide" on the District's easement to unit #2 tank; however, Director Balzer said the roads from the Alta Mesa and Forest View roads to unit #9 are the responsibility of unit #9 property owners.

Section 36522 of the Water Code was read with regard to "charge for water use or other services in lieu of levying assessments."

It was noted that Mr. Moores' new timber harvest plan states that the land was last logged 25 years ago, but it was only about 13 years ago. The District is doing all it can to protect its watershed by reminding agencies like Fish and Game and Water Quality Control that the previous logging had resulted in highly increased contaminants in the District's water supply.

* **BREAK:** A break was called at 11:50; the meeting continued at 12:00 noon.

7 **OLD BUSINESS:**

7A **Action on resolution for acceptance of conveyance of unit #9 facilities:** After a short discussion, Director Scaramella moved that action on acceptance of the unit #9 facilities be put over until such time as we can clarify the language on

conveyance. Director Dunning seconded the motion and it carried unanimously.

- 7B Discussion of pending resolution for acceptance of Exhibit 4, i.e., well; action if indicated: After the September 8, 1990, meeting the 10-year guaranty and repair agreement for the 10,000 gallon tank (tank #5) had been sent to Mr. Moores for his signature. Mr. Moores had not returned the executed guaranty, so the District could not take action on this resolution until it is received. The paragraph in the resolution requiring this guaranty was read.

Director Scaramella explained the discrepancies of the as-built well to the Exhibit 4 plans. It was noted that the inside of the tank had not been relined as Mr. Moores had stated but had only been patched at the leaking cracks. He then moved that action on this resolution regarding Exhibit 4 plans and the conveyance be delayed until such time as the required documents are available. Director Dunning seconded the motion and it carried unanimously.

- 7C Discussion of perceived discrepancy between Resolution 86-2 (a.k.a. 2000) and action taken by Board on 3/12/88; action if required: Chairman Balzer read resolution 86-2 and 86-3, both regarding property owners' responsibility on damaged water lines and water leaks, and the section "review of Board policy regarding charges for appliance malfunction or leaks" from the 3/12/88 minutes. Discrepancies in policy needed to be resolved. After a discussion with the public in attendance and Board comments, it was decided to write a resolution for action at a future meeting to cover the discrepancies and consolidate policy.

8 NEW BUSINESS:

- 8a Report on submittal by William Moores relative to costs of unit #9 and well project; action as needed: On September 27 the District had received from Mr. Moores a large packet of Exhibits listing alleged reimbursement charges relative to the reimbursement provision of Exhibit A of the 7/6/88 agreement. Mr. Moores alleges that the District owes approximately \$73,000 in non-construction costs on the well project in relation to Exhibit B of the agreement. In relation to Exhibits C (unit #9) and D (miscellaneous) of the agreement, Mr. Moores alleges the District owes approximately \$25,000. The total alleged reimbursement is approximately \$100,000.

The District wanted it on record that they are dealing with the matter and that the claim is being reviewed in conjunction with Pacific Gas and Electric and legal counsel.

Director Scaramella noted that Mr. Moores' request for reimbursement was partly a disagreement of interpretation of the agreement but mostly resulting from Mr. Moores' as-built

construction deviating from his plans or his changes in the plans that were not requested by the District.

- 88 Discussion of and action required on William Moores request for water hookup for Inn Site: The 17-acre parcel of land north of Irish Beach and west of Highway 1 is planned by the Moores for a 20-unit inn. After discussion, Director Scaramella noted that no possible action could be taken until the District received engineering details of the proposal, anticipated costs to the District could be made, etc. Gordon Moores said the project was several years away but he just wanted to know the District's requirements. The District noted that it would need to determine if it would want to be responsible for water pipeline outside the District.

After further discussion, Director Dunning moved to table this item. Director Scaramella seconded the motion and it carried unanimously.


- 8C Action on recommendations of personnel committee: It was noted that John Acquistapace, Systems Operator, had not had a salary raise since 1986. The recommendations of the Personnel Committee (Directors Scaramella and Aeschliman) were presented to the Board in the executive session earlier that morning: Mr. Acquistapace's salary be increased by \$90 per month and monthly expenses be increased by \$60; secretary Diane Johnson's salary be increased by \$60 per month; all increases retroactive to October 1, 1990.

Director Scaramella moved that the committee's suggestions be approved and effective retroaction to October 1, 1990. Director Dunning seconded the motion and it carried unanimously.

- 8D Election of officers for coming year: This item was omitted from the agenda earlier in the meeting.

- 9 ADJOURNMENT: A motion by Director Dunning was made at 1:15 p.m. to adjourn the meeting; it was seconded by Director Scaramella and carried unanimously.

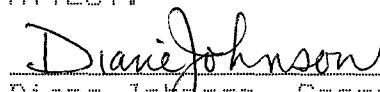
Respectfully submitted,



Rex Dunning, Secretary

Prepared by Diane Johnson

ATTEST:



Diane Johnson, Secretary to the Board