

Amador Regional Sanitation Authority

Amador Regional Sanitation Authority Meeting Agenda

Thursday, September 19, 2024 at 2:30 PM

33 Church Street, Sutter Creek, CA 95685

The Agenda can be found on the City's Website: www.cityofsuttercreek.org

1. Call to Order and Establish a Quorum for Regular Meeting

2. Pledge of Allegiance to the Flag

3. Public Forum

Discussion items only, no action to be taken. Any person may address the Board at this time upon any subject within the jurisdiction of the Amador Regional Sanitation Authority; however, any matter that requires action may be referred to staff and/or Committee for a report and recommendation for possible action at a subsequent Board meeting. Please note – there is a five (5) minute limit per topic.

4. Consent Agenda

A. [Minutes of August 15, 2024 - for approval](#)

B. [August 2024 Balance Sheet](#)

C. [September 2024 Check List](#)

D. [August 2024 Budget v Actual Report](#)

E. [Reservoir report- for information only](#)

5. Administrative Agenda

A. [ADOPT RESOLUTION 24-25-* AGREEING TO ASSIGN GROUND LEASE NO. L-2070, THE 2007 WASTEWATER AGREEMENT, AND THE 2024 SETTLEMENT AGREEMENT TO THE CITY OF SUTTER CREEK](#)

6. General Manager's Report - informational

7. Closed Session

8. Report from Closed Session

9. Adjournment

Amador Regional Sanitation Authority

“Servicing Amador City, Martell, & Sutter Creek”

MINUTES MEETING OF THE BOARD OF DIRECTORS August 15, 2024

Present:

Jim Swift, Chairman
Frank Axe, Board Member
Claire Gunselman, Board Member

Absent:

Richard Forster, Vice Chairman
Bruce Sherrill, Board Member

Staff Present:

Tom DuBois, ARSA GM
Dan Lafontaine, Public Works Director
Frank Splendorio, ARSA Attorney

1. REGULAR MEETING: CALL TO ORDER AND ESTABLISH A QUORUM

Meeting called to order by Chairman Swift at 2:33 P.M.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Swift led the Pledge of Allegiance.

3. PUBLIC FORUM- None

4. CONSENT AGENDA

- A. Minutes of June 27, 2024- *for approval*
- B. ARSA August 2024 Warrant List
- C. ARSA July 2024 Balance Sheet
- D. ARSA July 2024 Budget v Actual

M/S Gunselman/Axe to Approve the Consent Agenda.

AYES: Axe, Gunselman and Swift

NOES: None

ABSTAIN: None

ABSENT: Forster and Sherrill

MOTION CARRIED

5. ADMINISTRATIVE AGENDA

- A. Board approval of agreement to resolve past invoices and determine how the parties will handle invoices going forward.

M/S Axe/Gunselman to authorize payment of \$88,000 towards invoices.

AYES: Axe, Gunselman and Swift

NOES: None

ABSTAIN: None

ABSENT: Forster and Sherrill

MOTION CARRIED

- B. Operations Update- for information discussion

Staff provided an update noting that Ione took 255 AF, Switched to Mule Creek. Have 65 AF left in system. 20’ down at Henderson, 37 AF left. Sending to Preston about 1 AF a day. 25K gal a day at Hoskins at regular shift.

C. Freshwater Diversion and Henderson Project Updates- *for information*

ARSA agreed to two maintenance issues that CDCR insisted on:

- 1. Make sure the freshwater diversion is functional and
- 2) Maintenance of the diversion ditch around Henderson

Status - freshwater diversion, we've begun triaging the issue and going for bids to repair. Priority project but need more time. Remove rocks in the inlet and test the values, may need replacement, not sure yet. Staff walked Henderson with CDCR WW staff - agreed to place grates over 5 inlets to catch debris and prevent it from entering the system. Some of the land in question is privately owned and not part of ARSA so that is off the table. Confirming in writing with CDCR and then will complete.

6. GENERAL MANAGER'S REPORT

General Manager Tom DuBois provided an update:

ARSA will continue until not needed, will try to minimize meetings but know we will need September meeting.

Working on CDCR transfer of lease, they are asking for concrete evidence that Sutter Creek will assume obligations - Will have Sutter Creek City council adopt resolution and bring back to ARSA at next board meeting. This should allow CDCR to transfer the lease contingent on final dissolution

JPA amendments to allow Sutter Creek to succeed ARSA approved by Amador County and Sutter Creek. Amador City is voting on it tonight. Need all 3 agencies to amend the JPA to enable dissolution process. Some turnover on Amador City Council but should have 4 members tonight and prepared.

Water Board - Draft letters and meeting on Water Balances. Individual and Joint. Final Letter was issued. Water Balance due Dec 13, 2024.

Will be followed up for a request for a joint water balance signed off on by Ione, ARSA and CDCR due Feb 1, 2025.

Regional Water board has said they will be issuing new permits to everyone.

Retaining Hydro Sciences to help us prepare the reports.

Golf Course Issue - A lot is being negotiated in closed session. Hahn leases land and owns buildings. Hahn gave notice to the city. City is trying to come to an agreement to prevent closure. Expectation is this should not impact irrigation while being discussed

Adjourned into Closed Session at 2:45 p.m.

7. CLOSED SESSION

A. CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

Pursuant to Gov. Code § 54956.9(d)(1):
Amador Regional Sanitation Authority v. City of Ione, et al.
(Case No. 22-CV-12824)

8. REPORT FROM CLOSED SESSION – Direction as given to staff. No reportable action taken.

9. ADJOURNMENT

Karen Darrow, Secretary

James Swift, Chairman

Date Approved:

Balance Sheet
As of August 31, 2024

Aug 31, 24

ASSETS

Current Assets

Checking/Savings

10000 · Checking - Umpqua	6.23
10001 · Checking - Bank of Marin	282,826.65
10011 · Savings - Bank of Marin	349,053.36

Total Checking/Savings 631,886.24

Total Current Assets 631,886.24

Fixed Assets

150620 · Long Term Assets Structures	1,884,800.13
150621 · Long Term Assets Structures Dep	-1,884,800.15
150630 · Long Term Assets Equipment	151.00
150631 · Long Term Assets Equipment Depr	-151.00
35000 · Investment in Capital Assets	841,648.00

Total Fixed Assets 841,647.98

TOTAL ASSETS 1,473,534.22

LIABILITIES & EQUITY

Liabilities

Current Liabilities

Accounts Payable

20000 · Accounts Payable	2,918.44
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Total Accounts Payable 2,918.44

Total Current Liabilities 2,918.44

Total Liabilities 2,918.44

Equity

30000 · Opening Balance Equity	2,031,569.74
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32000 · Retained Earnings	-628,925.20
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Net Income	67,971.24
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Total Equity 1,470,615.78

TOTAL LIABILITIES & EQUITY 1,473,534.22

Amador Regional Sanitation Authority (ARSA)

Warrant List

September 2024

Section 4, Item C.

	<u>Type</u>	<u>Num</u>	<u>Date</u>	<u>Name</u>	<u>Account</u>	<u>Paid Amount</u>
	Bill Pmt -Check	1080	09/10/2024	City of Lone'	10001 - Checking - Bank of Marin	
	Bill	2024AGREEMENT	09/10/2024		Tertiary Treatment Fees	-88,000.00
TOTAL						<u>-88,000.00</u>
	Bill Pmt -Check	1081	09/10/2024	City of Sutter Creek	10001 - Checking - Bank of Marin	
	Bill	2024-09	09/10/2024		Contract with COSC	-10,627.89
					Overtime	-2,370.26
TOTAL						<u>-12,998.15</u>
	Bill Pmt -Check	1082	09/10/2024	Hunt & Sons, Inc.	10001 - Checking - Bank of Marin	
	Bill	226619	08/15/2024		Fuel	-334.54
	Bill	237820	08/31/2024		Fuel	-223.60
TOTAL						<u>-558.14</u>
	Bill Pmt -Check	1083	09/10/2024	Napa Auto Parts	10001 - Checking - Bank of Marin	
	Bill	988262	09/04/2024		Vehicle Maintenance	-25.63
TOTAL						<u>-25.63</u>
	Bill Pmt -Check	1084	09/10/2024	Weber, Ghio & Associates, Inc.	10001 - Checking - Bank of Marin	
	Bill	13582	08/12/2024		Engineering	-2,360.30
TOTAL						<u>-2,360.30</u>

Amador Regional Sanitation Authority (ARSA)

Budget vs. Actual

July through August 2024

Section 4, Item D.

	Jul - Aug 24	Budget	\$ Over Budget	% of Budget
Ordinary Income/Expense				
Income				
Interest Income	0.00	150.00	-150.00	0.0%
Reimbursed Expenses	0.00	27,800.00	-27,800.00	0.0%
Use Fee Revenue				
Amador City	0.00	22,431.00	-22,431.00	0.0%
Amador Water Agency	0.00	120,858.00	-120,858.00	0.0%
City of Sutter Creek	0.00	640,997.00	-640,997.00	0.0%
Total Use Fee Revenue	0.00	784,286.00	-784,286.00	0.0%
Total Income	0.00	812,236.00	-812,236.00	0.0%
Expense				
Employee Services				
Contract with COSC	24,971.53	223,000.00	-198,028.47	11.2%
Overtime	1,485.33	20,000.00	-18,514.67	7.43%
Total Employee Services	26,456.86	243,000.00	-216,543.14	10.89%
Operations				
Audit & Accounting	0.00	6,000.00	-6,000.00	0.0%
Contingency	0.00	65,000.00	-65,000.00	0.0%
Engineering				
Inundation mapping	0.00	7,000.00	-7,000.00	0.0%
Engineering - Other	363.40	40,000.00	-39,636.60	0.91%
Total Engineering	363.40	47,000.00	-46,636.60	0.77%
Flood Control	0.00	1,000.00	-1,000.00	0.0%
Fuel	1,056.59	19,000.00	-17,943.41	5.56%
General Supplies	0.00	600.00	-600.00	0.0%
Legal	1,985.31	60,000.00	-58,014.69	3.31%
Membership Dues	0.00	3,000.00	-3,000.00	0.0%
O&M Building/Structures	0.00	1,500.00	-1,500.00	0.0%
O&M Equipment	0.00	35,000.00	-35,000.00	0.0%
Repairs & Maintenance	642.99	15,000.00	-14,357.01	4.29%
Small Equipment	11.05			
Taxes/Fees/Licenses	223.50	73,500.00	-73,276.50	0.3%
Tertiary Treatment Fees	0.00	136,500.00	-136,500.00	0.0%
Vehicle Maintenance	1,501.79	5,000.00	-3,498.21	30.04%
Total Operations	5,784.63	468,100.00	-462,315.37	1.24%
Total Expense	32,241.49	711,100.00	-678,858.51	4.53%
Capital	0.00	450,000.00	-450,000.00	0.0%

ARSA RESERVOIRS and IRRIGATION												
Aug-24	Sutter Creek Effluent Flow (gals) ¹	Bowers Irrigation (gals)	Henderson Reservoir Freeboard (ft)	Henderson Reservoir Volume (ac/ft)	Hoskins Irrigation (gals)	Preston Forebay (FT)	Preston Forebay Volume (ac/ft)	Flow Into Preston Reservoir (GPM)	Temp Preston Irrigation (Est/gals)	Preston Reservoir (FT)	Preston Reservoir Volume (ac ft)	Flow from Preston To Ione WWTF (ON/OFF)
8/1/2024	337,500	337,500	20'0"	44.6	0	16'0"	14.0	150	0	19'9"	23.7	Off
8/2/2024	320,636	320,636	20'0"	44.6	0	15'0"	15.0	125	0	19'10"	23.2	Off
8/3/2024	303,335	303,335	20'1"	43.8	0	14'6"	15.5	125	0	19'10"	23.2	Off
8/4/2024	296,478	296,478	20'1"	43.8	0	14'4"	15.7	125	0	19'10"	23.2	Off
8/5/2024	292,559	292,559	20'3"	42.2	24,000	14'1"	15.9	100	0	19'10"	23.2	Off
8/6/2024	338,372	338,372	20'3"	42.2	24,000	13'8"	16.3	75	0	19'10"	23.2	Off
8/7/2024	314,666	314,666	20'4"	41.4	24,000	13'6"	16.5	75	0	19'10"	23.2	Off
8/8/2024	303,796	303,796	20'5"	40.6	24,000	14'0"	16.0	50	0	19'10"	23.2	Off
8/9/2024	324,710	324,710	20'6"	39.8	0	13'6"	16.5	50	0	19'10"	23.2	Off
8/10/2024	344,862	344,862	20'6"	39.8	0	13'6"	16.5	75	0	19'9"	23.7	Off
8/11/2024	359,366	359,366	20'6"	39.8	0	13'6"	16.5	75	0	19'9"	23.7	Off
8/12/2024	344,050	344,050	20'7"	39.0	24,000	13'4"	16.7	75	0	19'9"	23.7	Off
8/13/2024	341,181	341,181	20'8"	38.2	24,000	13'2"	16.8	100	0	19'9"	23.7	Off
8/14/2024	350,203	350,203	20'9"	37.5	24,000	13'0"	17.0	100	0	19'9"	23.7	Off
8/15/2024	341,257	341,257	20'10"	36.7	24,000	12'10"	17.2	100	0	19'9"	23.7	Off
8/16/2024	294,968	294,968	20'11"	35.9	0	12'6"	17.5	100	0	19'9"	23.7	Off
8/17/2024	306,650	306,650	20'11"	35.9	0	12'4"	17.7	100	0	19'9"	23.7	Off
8/18/2024	323,035	323,035	20'11"	35.9	0	12'2"	17.8	100	0	19'9"	23.7	Off
8/19/2024	359,618	359,618	21'0"	35.2	24,000	12'0"	18.0	100	0	19'9"	23.7	Off
8/20/2024	362,507	362,507	21'0"	35.2	24,000	12'0"	18.0	100	0	19'9"	23.7	Off
8/21/2024	346,531	346,531	21'1"	34.5	24,000	11'10"	18.2	100	0	19'9"	23.7	Off
8/22/2024	332,459	332,459	21'1"	34.5	24,000	11'10"	18.2	125	0	19'9"	23.7	Off
8/23/2024	206,957	206,957	21'2"	33.7	0	12'0"	17.2	125	0	19'9"	23.7	Off
8/24/2024	248,371	248,371	21'2"	33.7	0	12'0"	17.2	125	0	19'9"	23.7	Off
8/25/2024	279,047	279,047	21'2"	33.7	0	12'0"	17.2	125	0	19'9"	23.7	Off
8/26/2024	325,313	325,313	21'2"	33.7	0	12'6"	17.5	125	0	19'9"	23.7	Off
8/27/2024	362,806	362,806	21'3"	33.0	24,000	12'10"	17.2	150	0	19'9"	23.7	Off
8/28/2024	382,816	382,816	21'4"	32.3	24,000	13'0"	17.0	150	0	19'9"	23.7	Off
8/29/2024												
8/30/2024												
8/31/2024												
	Sutter Creek Total Flow											
Total	9,044,049	9,044,049			336,000				0			
Maximum	382,816											
Minimum	206,957											
Average Daily	323,002											

¹ The Influent flow meter was used for these numbers due to a malfunction effluent flow meter.

I certify under penalty of law that I have personally examined and am familiar with the information submitted in this document and all attachments and that, based on my inquiry of those individuals immediately responsible for obtaining the information, I believe that the information is true, accurate and complete. I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment.

RESOLUTION 24-25-*

A RESOLUTION OF AMADOR REGIONAL SANITATION AUTHORITY (ARSA) AGREEING TO ASSIGN GROUND LEASE NO. L-2070, THE 2007 WASTEWATER AGREEMENT, AND THE 2024 SETTLEMENT AGREEMENT TO THE CITY OF SUTTER CREEK

WHEREAS, the Amador Regional Sanitation Authority (ARSA) is a public entity formed pursuant to a certain Joint Exercise of Powers Agreement, as amended, in accordance with Government Code section 6500 *et seq.*; and

WHEREAS, ARSA is currently comprised of three member entities, namely, the County of Amador, the City of Amador, and the City of Sutter Creek; and

WHEREAS, the JPA was recently amended (“2024 JPA Amendment”) to modify Paragraphs 9.1 and 9.2, to allow dissolution and termination of ARSA and allow the City of Sutter Creek to become a successor-in-interest to ARSA for all purposes; and

WHEREAS, the California Department of Corrections and Rehabilitation (“CDCR”) owns a series of pipelines, reservoirs, rights of way, and water rights, each of which interconnect to allow the transport of water and/or wastewater, which is known as the “Henderson/Preston System”; and

WHEREAS, ARSA is a party to that certain “Agreement to Regulate Use of Henderson/Preston Wastewater Disposal System” (“2007 Wastewater Agreement”), dated September 18, 2007; and

WHEREAS, ARSA is a lessee to that certain Ground Lease (Lease No. L-2070), dated January 1, 2009, for a term of thirty (30) years (“Ground Lease”), which gives ARSA the right to use the Henderson/Preston System, subject to the terms and conditions stated therein; and

WHEREAS, ARSA is a party to that Settlement Agreement between ARSA, CDCR, and the City of Ione, dated May 22, 2024 (“2024 Settlement Agreement”); and

WHEREAS, pursuant to Section 17 of the Ground Lease, the State of California, acting by and through the Director of General Services (DGS), with the consent of the California Department of Corrections and Rehabilitation (CDCR), must give prior written consent of any assignment of the Ground Lease; and

WHEREAS, pursuant to the 2024 JPA Amendment, ARSA will soon be dissolved and terminated, and the City of Sutter Creek will assume all obligations of ARSA, including without limitation, its obligations under the Ground Lease, its obligations under the 2007 Wastewater Agreement, and its obligations under the 2024 Settlement Agreement, immediately upon ARSA’s legal dissolution; and

WHEREAS, one of the necessary conditions precedent to such final dissolution and termination of ARSA, is that the State of California, acting by and through DGS or CDCR, provides written consent of the assignment to the City of Sutter Creek of the Ground Lease; and

WHEREAS, the City of Sutter Creek and ARSA have agreed to each adopt this resolution to further memorialize their mutual intentions to the satisfaction of the State of California, so that the State may then provide the written consent required for any assignment as contemplated under Section 17 of the Ground Lease, as well as memorialize their intent to assume all of ARSA’s obligations, including without limitation, the 2007 Wastewater Agreement and the 2024 Settlement Agreement.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THE AMADOR REGIONAL SANITATION AUTHORITY RESOLVES AS FOLLOWS:

Section 1. That ARSA agrees to assign the Ground Lease, the 2007 Wastewater Agreement, and the 2024 Settlement Agreement, to the City of Sutter Creek, upon ARSA’s immediate dissolution and termination as currently planned by the ARSA member agencies pursuant to the 2024 JPA Amendment.

Section 2. That, pursuant to Paragraph 9.1 of the 2024 JPA Amendment, the effective date of such termination of ARSA and succession by the City of Sutter Creek shall be the date that the second member agency under the 2024 JPA Amendment adopts a resolution to that effect (provided that one such member agency must be the City of Sutter Creek).

Section 3. That the ARSA General Manager is hereby authorized to execute any documents (including any agreement memorializing such termination), and take any other actions reasonably necessary, to effectuate and implement the orderly and timely succession of City of Sutter Creek to ARSA for all purposes, and the assignment of the Ground Lease, the 2007 Wastewater Agreement, and the 2024 Settlement Agreement, to the City of Sutter Creek immediately upon the dissolution and termination of ARSA.

Section 4. This Resolution shall take effect upon its adoption.

PASSED AND ADOPTED by the Board of Directors of the Amador Regional Sanitation Authority this 19th day of September, 2024, by the following vote:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

Jim Swift, Board Chair

ATTEST:

Karen Darrow, Board Clerk