

# *Amador Regional Sanitation Authority*

*"Servicing Amador City, Martell, & Sutter Creek"*

## **MINUTES SPECIAL MEETING OF THE BOARD OF DIRECTORS May 27, 2021**

### **Present:**

Robin Peters, Chairman  
Richard Forster, Vice Chairman  
Frank Axe, Board Member  
Susan Bragstad, Board Member  
Jim Swift, Board Member

### **Staff Present:**

Amy Gedney, General Manager  
Karen Darrow, City Clerk  
Corey Stone, ARSA Operator  
Harriet Steiner, ARSA Attorney

### **Others Present:**

Dominic Atlan, Ione City Councilmember  
Stacey Rhoades, Ione City Councilmember  
Dan Epperson, Ione City Councilmember  
Bob Bowers, Jim Scully, Oral Custer

### **1. CALL TO ORDER AND ESTABLISH A QUORUM**

Meeting called to order by Chairman Peters at 10:06 A.M.

### **2. PLEDGE OF ALLEGIANCE TO THE FLAG**

Chairman Peters led the Pledge of Allegiance.

### **3. PUBLIC FORUM**

Dominic Atlan, Ione City Councilmember and Castle Oaks Golf Course representative requested an opportunity to explain water usage and irrigation operations at the golf course. Chairman Peters declined to accept Mr. Atlan's comments during the Public Forum as they were directly related to an agenda item. Chairman Peters suggested instead that Mr. Atlan's comments would be most appropriately delivered during Item 4A discussions.

### **4. ADMINISTRATIVE MATTERS**

#### **A. Discussion regarding 2021 water distribution priorities**

Amy Gedney, ARSA General Manager provided an overview of how the ARSA system works. Every year rain water and runoff that collects in several ARSA system reservoirs, together with effluent produced at the City of Sutter Creek wastewater treatment plant, is delivered to irrigated pastures above and below Henderson Reservoir, and to the City of Ione for eventual Castle Oaks golf course irrigation. In very wet years ARSA sometimes struggles to dispose of all accumulated water in the system. However, in dry years such as this one, with only 17" of rain this year, there was very little water in the system compared with prior years.

She noted that Ione began taking 1,000,000 gallons a day of water from Preston Reservoir in April for golf course irrigation, whereas in normal rain years withdrawals from Preston Reservoir can begin as late as June. She noted that as Preston Reservoir begins to empty, the water becomes more turbid, and that this is a phenomenon experienced every year that reservoir levels are low. She likened it to the bottom of a milkshake. When this happens, Ione typically switches over to begin using CDCR/Mule Creek water using the bypass line they constructed four years ago.

She went on to state that the Regional Water Quality Control Board staff recently sent Ione a letter indicating that they can no longer take effluent from CDCR/Mule Creek as it has been found to have contaminants in it. As a result, Ione needs more water than ARSA has available at this time. The reason for today's discussion was to request direction regarding how the Board wishes to distribute the very limited water available in the ARSA system in the face of competing requests for more water than is available.

Michael Rock, Ione Interim City Manager, noted that the Ione City Council will be discussing the CDCR water contamination and availability problem at their next meeting after he meets with the State Water Board to discuss options for reaching a reasonable solution. When asked by Chairman Peters whether the golf course had other sources of irrigation water – e.g., raw water from the Water Agency, groundwater from one or more wells, etc. - he said they don't yet know but noted that he expects to know within three to four weeks if the golf course has secured an alternate source for water.

Chairman Peters noted that recent discussions with the Water Board revealed that CDCR has filed a Report of Waste Discharge to amend their permit in order to deliver its wastewater directly to the City of Ione, bypassing Preston Reservoir and the lower ARSA system. Chairman Peters asked the representatives of Ione whether their long-term expectation is for CDCR to deliver all of its wastewater to Ione, and Councilmember Epperson responded yes- that is their expectation. Manager Gedney expressed frustration because neither CDCR nor Ione discussed this matter, which represents a fundamental change in the way water deliveries will be made in the future, with ARSA.

Director Forster suggested that Ione may have other water availability options and that they should be carefully considered before ARSA makes any rash decisions about water delivery curtailments.

Jim Scully noted that Ione claims to be exploring options for obtaining water, explaining for example how groundwater used to be obtained to irrigate the area before golf course construction. Mr. Scully suggested that ARSA could divert water from Sutter Creek and asked if there was an ability to store water.

Interim City Manager Rock suggested that water delivery problems should be considered a long-term, recurring issue and suggested that ARSA should address the issues with the long term in mind. Chairman Peters disagreed, reminding Mr. Rock that several years ago Ione invoked the five-years clause in the 2007 agreement, eliminating Ione as a wastewater disposal option within five years, which forced ARSA to explore other means of wastewater disposal. Peters pointed out that the long-term does not include Ione water deliveries because of Ione's invocation of the five-year clause.

Dan Epperson, Ione City Council member, explained to the ARSA Board that the only reason the five-year clause was invoked was as leverage to force ARSA to re-negotiate of terms of payment for treatment at the Ione tertiary plant. Chairman Peters expressed exasperation at this revelation, noting that the City of Ione's July 19, 2017 letter, which invoked the five-year clause, made no mention of revenue, declaring instead that Ione expected to have all the water it needed to irrigate the golf course due to anticipated growth. Chairman Peters asked Manager Gedney whether Ione had ever requested a re-evaluation of payment terms; Manager Gedney replied that no, the matter had never been raised by Ione.

Chairman Peters returned to Councilmember Epperson, asking him to repeat and clarify for the record that the City of Ione's intent behind the invocation of the five-year clause was only to leverage more money from ARSA for tertiary treatment. Councilmember Epperson confirmed his statement, suggesting however that this was not an official statement being delivered to ARSA by the Ione City Council. Chairman Peters expressed further frustration and aggravation regarding this matter, opining that it was disingenuous and irresponsible for Ione to use the five-year clause as a tool to leverage money from ARSA. Peters explained that as a result of the letter, ARSA has expended significant public resources and energy pursuing other wastewater disposal options, only to find out now that the letter had been sent in bad faith. Peters recommended to Epperson that the City of Ione should rescind the July 19, 2017 letter and replace it with one that expresses the City's true intent.

Board member Forster commented that Council member Epperson's explanation was news to him. He was under the impression that Ione believed they would have enough water in five years through development to stand on their own.

Board member Bragstad suggested that ARSA should charge for water.

Amy Gedney, ARSA General Manager noted again that Ione had not informed ARSA of its plans to partner with CDCR for direct deliveries of water to Ione, bypassing the ARSA system, noting that she only found out through discussions with the Water Board. Gedney cited this as another example of bad faith from an entity that should act more like a regional partner.

Bob Bowers, Ranch Owner, suggested that water be diverted from Sutter Creek in the future to avoid this situation.

Oral Custer, read a portion of a prepared letter. Chairman Peters noted that the meeting was agendized to discuss a very specific topic and that his commentary may be better suited to another meeting date.

Amy Gedney, ARSA General Manager asked the Board if they are willing to cut off flow to Preston Reservoirs in order to continue normal operations.

Chairman Peters noted that there appears to be only two primary options available, keeping in mind that the agreement with Ione says, "that water is to be provided if available".

Option 1 – Cease all flow from Henderson which would result in no water going to Hoskins or Preston Reservoir.

Option 2 - Curtail flows to all three partners (Bowers, Hoskins at the golf course) and be equitable to all.

Board member Forster noted that he believed the golf course will find an alternate water source and will not need water from ARSA. Forster also noted that there may be other, minor options as well.

Board member Bragstad noted that she supports water going the ranchers before the golf course.

Board member Axe noted that he would like to work with all the partners.

Chairman Peters noted that ARSA recognizes the assistance that has been received in the past from all the partners and explained that he would like to see water deliveries distributed to each of ARSA's historic users proportionally, in accordance with historic deliveries, to the degree that is feasible given the idiosyncrasies of the delivery system. In this way it is likely that no single entity will receive the water they want because insufficient water is available in the system, however each entity would receive something. Peters believes that this would be the most equitable solution for all involved. He also noted that if the golf course secures an alternative source of water, then ARSA water deliveries could be increased to the ranchers. In the interim however, ARSA should make every effort to deliver water equitably to the degree possible. If things change the Board can reconvene and reconsider.

Board member Forster suggested that ARSA General Manager Gedney meet with the golf course and the ranchers to discuss possibly working out an arrangement to supplement feed in exchange for water deliveries.

Chairman Peters suggested that it would be foolish to micromanage staff, noting that the operator needs flexibility to manage appropriately.

ARSA Attorney Steiner suggested putting the direction into a motion.

**M/S Swift/Forster to Direct ARSA Staff and Operator to deliver water proportionately to all historic users (Bowers, Hoskins and Ione) based on historic deliveries and practices, to the degree feasible.**

**AYES:** Axe, Swift, Forster and Peters

**NOES:** Bragstad

**ABSTAIN:** None

**ABSENT:** None

**4-1 MOTION CARRIED**

The Board directed staff to present an explanation at the next meeting outlining how the water was proportionately delivered and managed.

**5. BOARD MEMBER REPORTS-** None.

**6. ADJOURNMENT**

The meeting was adjourned at 11:32 a.m.

*Karen Darrow*

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Karen Darrow, Secretary



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Robin Peters, Chairman

Date Approved: June 30, 2021