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"Servicing Amador City, Martell, & Sutter Creek"

A G E N D A FEBRUARY 23, 2022

10:00 A.M. REGULAR Meeting

33 Church Street, Sutter Creek CA 95685

The Agenda can be found on the City of Sutter Creek's Website: www.cityofsuttercreek.org
THIS MEETING WILL BE CONDUCTED IN-PERSON AT 33 CHURCH STREET

and available by Zoom:

To Join Zoom Meeting

https://us02web.zoom.us/j/3278978807

or

Dial by phone: 301-715-8592

Meeting ID: 327 897 8807

Public comment will be accepted by email at info@cityofsuttercreek.org. All emails must be received prior to the start of the meeting.

- 1. CALL TO ORDER AND ESTABLISH A QUORUM 10:00 AM
- 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. INFORMATION/CORRESPONDENCE

This section provides informational updates regarding staff activities and operations where no Board action is required.

- A. Correspondence:
 - 1) Letter from Ione
 - 2) Letter from ARSA to the City of Ione and
 - 3) Letter to Mule Creek CDCR

5. CONSENT AGENDA

Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Board or the Public.

- A. Minutes of December 22, 2021

 Recommendation: Approve Minutes of December 22, 2021
- * B. Approval of Warrants Recommendation: Approve warrants.
- * C. 21-22 Budget Update Recommendation: For information only.

* D. System Status Report Recommendation: For information only.

6. ADMINISTRATIVE MATTERS

- A. Henderson underdrain repair- status update. *Recommendation: For information only.*
- 7. GENERAL MANAGER'S REPORT
- 8. BOARD MEMBER REPORTS
- 9. ADJOURNMENT

^{*} Attachments





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City of Sutter Creek



January 19, 2022

Amador Regional Sanitation Authority Attn: Amy Gedney, General Manager 18 Main Street Sutter Creek, CA 95685

Re: Lower Henderson/Preston Wastewater Disposal System

Dear Ms. Gedney,

The City of Ione is in receipt of your letter of December 3, 2021, in which you address wastewater disposal arrangements among the Amador Regional Sanitation Authority ("ARSA"), the City of Ione ("City"), and the California Department of Corrections and Rehabilitation ("CDCR").

When evaluating whether or not to send the 5 year notice the Ione City Council considered the cost to the Ione taxpayers, as is our fiduciary responsibility. It was determined that the Iosses Ione had incurred due to this contract could not continue. We reviewed our water resources and determined that we could meet our water obligations with our existing and future resources.

The City has successfully provided adequate reclaimed water for both Castle Oaks Golf Couse over the past five years under our current permits and infrastructure. During the past few years, the City did not receive adequate flows from ARSA, was suffering from extreme drought conditions, and still managed to keep Castle Oaks Golf Course open with sufficient water.

Ione recognizes that ARSA may have some difficulty meeting the five-year deadline, and over the last four years lone has reached out to ARSA for the status of your project. The Wastewater Committee discussed ARSA at its meetings and Ione staff reached out to ARSA with no response prior to your December 3, 2021, communication. The City is open to assisting ARSA with an extension of the five years however, this would require a new agreement with a new fee structure.

After a review of your letter the City disagrees with your analysis and reaffirms that the City intends to continue with our 2017 termination letter and cease services with ARSA as of July 19, 2022.

Sincerely,

Dan Epperson

Mayor, City of Ione

cc: Michael Rock, Interim City Manager

Sophia R. Meyer, City Attorney

Councilmembers Plamondon, Wratten, Rhoades

Amador Regional Sanitation Authority

"Servicing Amador City, Martell, & Sutter Creek"

February 3, 2022

Via Email and Certified Mail

Michael Rock Interim City Manager City of Ione 1 East Main St. P.O. Box 398 Ione, CA 95640

Re:

ARSA Annual Wastewater Disposal

Dear Mr. Rock:

This letter concerns the Amador Regional Sanitation Authority's ("ARSA") annual wastewater flows to Preston Reservoir and the City of Ione ("City"). ARSA will deliver secondary effluent through the lower Henderson/Preston System in accordance with the water balance and ARSA's rights under the 2007 Agreement and its Waste Discharge Requirements ("WDRs"), Order No. 93-240, until at least 2037.

ARSA requires that the City will prioritize ARSA's wastewater effluent over any effluent from the California Department of Corrections and Rehabilitation ("CDCR"). As explained in our letter dated December 3, 2021, the 2007 Agreement provides that CDCR's rights to disposal are derivative of ARSA's existing rights. Direct discharges from CDCR to the City are not permitted by the WDRs. The only legally permissible way for the City to receive wastewater from CDCR is through ARSA, in full compliance with the WDRs and the 2007 Agreement. Any action taken to prevent, reduce, interrupt, interfere with, or circumvent ARSA from delivering its effluent to the City is a breach of the 2007 Agreement and a violation of the WDRs.

With respect to the City's January 19, 2022 letter, ARSA disagrees with the City's claims that it has successfully provided adequate reclaimed water to Castle Oaks Golf Course and that it did not receive adequate flows from ARSA. The City has not identified any valid factual or legal grounds for terminating the 2007 Agreement and the City would be in breach of the Agreement if it refuses to accept ARSA's deliveries as authorized under the Agreement. However, ARSA appreciates the City's offer to meet and discuss these issues. The parties should make a good faith attempt to resolve these issues through discussion and avoid unnecessary litigation.

ARSA's continued delivery of wastewater to the City is imperative for public health and safety. We look forward to working with the City to protect regional water quality.

General Manager

Amador Regional Sanitation Authority

cc: ARSA Board

Amador Regional Sanitation Authority

"Servicing Amador City, Martell, & Sutter Creek"

February 3, 2022

Via Email and Certified Mail

Patrick Covello Warden California Department of Corrections and Rehabilitation 4001 Highway 104 P.O. Box 409099 Ione, CA 95640

Re: ARSA Annual Wastewater Disposal

Dear Mr. Covello:

This letter concerns the Amador Regional Sanitation Authority's ("ARSA") annual wastewater flows to Preston Reservoir and the City of Ione ("City"). ARSA will deliver secondary effluent through the lower Henderson/Preston System in accordance with the water balance and ARSA's rights under the 2007 Agreement, Waste Discharge Requirements ("WDRs"), Order No. 93-240, and Ground Lease No. L-2070 through at least 2037.

ARSA requires that its wastewater effluent will be accepted by the City prior to any effluent from CDCR. As explained in our letter dated December 3, 2021, the 2007 Agreement provides that CDCR's rights to disposal are derivative of ARSA's existing rights. Direct discharges from CDCR to the City are not permitted by the WDRs. The only legally permissible way for the City to receive wastewater from CDCR is through ARSA, in full compliance with the WDRs and the 2007 Agreement. Any action taken to prevent, reduce, interrupt, interfere with, or circumvent ARSA from delivering its effluent to the City is a breach of the 2007 Agreement and a violation of the WDRs.

In addition, under Ground Lease No. L-2070, CDCR leases to ARSA infrastructure that facilitates an essential utility service, and termination of ARSA's flows through the lower Henderson/Preston System is not practicable nor feasible. In the event of any actual or threatened breach of the Lease agreement, ARSA may seek equitable injunctive relief from a court of competent jurisdiction.

We believe the above course of action is imperative for public health and safety. We look forward to working with CDCR to protect regional water quality.

General Manager

Amador Regional Sanitation Authority

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"Servicing Amador City, Martell, & Sutter Creek"

MINUTES SPECIAL MEETING OF THE BOARD OF DIRECTORS December 22, 2021

Present: Staff Present:

Robin Peters, Chairman Amy Gedney, General Manager Richard Forster, Vice Chairman Karen Darrow, City Clerk

Frank Axe, Board Member Via Zoom:

Harriet Steiner, ARSA Attorney

Absent:

Susan Bragstad, Board Member Jim Swift, Board Member

1. CALL TO ORDER AND ESTABLISH A QUORUM

Meeting called to order by Chairman Peters at 10:00 A.M.

2. PLEDGE OF ALLEGIANCE TO THE FLAG

Chairman Peters led the Pledge of Allegiance.

3. PUBLIC FORUM- None.

4. CONSENT AGENDA

Items listed on the consent agenda are considered routine and may be enacted in one motion. Any item may be removed for discussion at the request of the Board or the Public.

A. Minutes of November 17, 2021

Recommendation: Approve Minutes of November 17, 2021

M/S Axe/Forster to Approve the Minutes of November 17, 2021, as amended.

AYES: Axe, Forster and Peters

NOES: None ABSTAIN: None

ABSENT: Bragstad and Swift

MOTION CARRIED

B. Approval of Warrants

Recommendation: Approve warrants.

M/S Axe/Forster to Approve the warrants, as presented.

AYES: Axe, Forster and Peters

NOES: None ABSTAIN: None

ABSENT: Bragstad and Swift

MOTION CARRIED

C. 21-22 Budget Comparison and Cash Balance Report *Recommendation: For information only.*

So noted.

D. System Status Report *Recommendation: For information only.*

So noted.

5. ADMINISTRATIVE MATTERS

A. Correspondence to the City of Ione and Mule Creek CDCR *Recommendation: For information and staff direction*

Jim Scully of Ione suggested that Ione should be dealt with harshly and professionally because they are shoving this topic away. He noted that he brought copies of the letters to the Ione City Council but received no response.

6. GENERAL MANAGER'S REPORT

General Manager Gedney reported that she attended the Regional Board workshop last week, noting that it was very informative and professional. She noted that it appears ARSA is being heard by the Water Board, so she is not concerned about being overlooked.

General Manager Gedney noted that CDCR is reporting that all their water will go to Ione in an effort to edge ARSA out of the permit. She also reported that she continues to meet with the Regional Board Staff and is making significant headway.

9. BOARD MEMBER REPORTS

Chairman Peters reported that he attended the workshop specific to Mule Creek water shed and noted that the Regional Board was present and paying attention which is a different situation that in previous years. He noted that another workshop is scheduled for the Spring that will go into each party's responsibility a little deeper.

Board member Forster reported that he also attended the workshop and commented that Attorney Nicholas Knight offered to make himself available to answer questions and noted that Kenny Croyle did not want to acknowledge the prisons responsibility and faulted only Ione and the golf course. He also noted that staff had difficulty answering questions regarding nepotism and the ability of one public agency effectively regulating another agency.

General Manager Gedney commented that in the past diverting water was not needed because the reservoirs were not being drained and noted that diversion is ready if there is enough water in the system.

Board member Forster commented that he was under the impression that ARSA did not have a diversion permit.

General Manager Gedney confirmed that ARSA does have the permit.

Board member Forster commented that if that is the case then ARSA should have diverted water in the Spring last year.

General Manager Gedney explained that Fall is the time a year that diversion can occur and that strategy in the past has been to get of all water to create capacity.

Chairman Peters commented that the decision to divert fresh water into the system is much more complicated, noting that if ARSA controlled all aspects of the system it would be easier to decide when or if to divert.

Board member Forster commented that it is important that ARSA act as a good faith partner.

General Manager Gedney noted that historically communication has been a problem and it is time for ARSA to step up and be in charge.

Chairman Peters noted that the letters did a good job of being very clear.

ADJOURNM The meeting v	IENT was adjourned at 10:44 a.m.	
Karen Darrow, S	Secretary	Robin Peters, Chairman
Date Approved:		

Amador Regional Sanitation Authority (ARSA) Warrant List

February 2022

Туре	Num	Date	Name/Description	Amount
Bill Pmt -Check	1642	02/23/2022	Best Best & Krieger, LLP	
Bill	925557	01/27/2022	Legal	5,889.24
TOTAL				5,889.24
Bill Pmt -Check	1643	02/23/2022	City of Sutter Creek	
Bill	2022-02	02/10/2022	Contract with COSC	14,478.33
			Overtime	2,536.65
TOTAL				17,014.98
Bill Pmt -Check	1644	02/23/2022	Hunt & Sons, Inc.	
Bill	301474	01/31/2022	Fuel	282.27
TOTAL				282.27
Bill Pmt -Check	1645	02/23/2022	Weber, Ghio & Associates, Inc.	
Bill	9680	02/09/2022	General Engineering	588.80
Bill	9681	02/09/2022	HendersonDam Repair	75.00
Bill	9682	02/09/2022	InundationStudy - EAP	4,104.00
TOTAL				4,767.80

Amador Regional Sanitation Authority (ARSA) **Budget vs. Actual**

July 2021 through January 2022

	Budget	Jul '21 - Jan 22	% of Budget	YE Projection
Income				
Interest Income	150.00	102.45	68.3%	150.00
Reimbursed Expenses	19,000.00	23,783.00	125.17%	19,000.00
Use Fee Revenue				
Amador City	18,385.00	9,192.50	50.0%	18,385.00
Amador Water Agency	86,552.00	43,276.00	50.0%	86,552.00
City of Sutter Creek	387,956.00	193,978.00	50.0%	387,956.00
Total Use Fee Revenue	492,893.00	246,446.50	50.0%	492,893.00
Total Income	512,043.00	270,331.95	52.8%	512,043.00
Expense				
Employee Services				
Contract with COSC	173,740.00	86,869.98	50.0%	173,740.00
Overtime	15,000.00	3,522.20	23.48%	15,000.00
Operations				
Audit & Accounting	6,000.00	0.00	0.0%	6,000.00
Contingency	42,192.00	0.00	0.0%	42,192.00
Engineering				
Inundation mapping	10,000.00	0.00	0.0%	10,000.00
Engineering - Other	35,000.00	8,969.70	25.63%	35,000.00
Flood Control	2,000.00	0.00	0.0%	2,000.00
Fuel	19,000.00	3,554.09	18.71%	19,000.00
General Supplies	500.00	0.00	0.0%	500.00
Legal	15,000.00	36,025.97	240.17%	15,000.00
Membership Dues	1,700.00	1,606.46	94.5%	1,700.00
O&M Building/Structures	1,500.00	1,200.00	80.0%	1,500.00
Repairs & Maintenance	20,000.00	1,036.96	5.19%	20,000.00
Risk Management - Liabilty	19,761.00	18,550.49	93.87%	19,761.00
Taxes/Fees/Licenses	55,000.00	23,990.31	43.62%	55,000.00
Tertiary Treatment Fees	70,000.00	33,985.50	48.55%	70,000.00
Vehicle Maintenance	5,000.00	6,794.49	135.89%	5,000.00
Weed Control	1,500.00	0.00	0.0%	1,500.00
Total Expense	492,893.00	226,106.15	45.87%	492,893.00

ARSA SYSTEM FLOWS 2016 - Present

	Sutter Creek WWTP Flow	Sutter Creek	Bowers Irrigation	Henderson	Volume in the System	Henderson Outflow	Hoskins Irrigation	Mule Creek	Preston	Volume in the System	Outflow to	Volume in
Date	(mg)	WWTP (ac ft)	(mg)	Freeboard	(af)	(mg)	(mg)	Inflow (mg)	Freeboard	(af)	Ione (af)	the system
2016												
1/31/2016	19.0	58.2	0.0	12'1"	155.78	12.4	0.0	0.0	11'4"	94.7	3.9	250.47
2/29/2016	10.7	32.8	0.0	10'9'	180.9	17.8	0.0	0.0	8'7"	128.4	4.0	309.27
3/31/2016	17.7	54.2	0.0	8'7"	225.65	15.1	0.0	0.0	5'7"	171.0	3.4	396.64
4/30/2016	10.7	32.8	0.0	8'5"	229.3	13.7	0.0	0.0	5'7"	171.0	9.1	400.29
5/31/2016	9.3	28.5	0.0	9'9"	200.95	23.0	0.0	0.0	7'7"	141.9	27.3	342.85
6/30/2016	8.3	25.3	2.9	14'4"	117.57	32.2	2.2	0.0	9'8"	114.5	36.0	232.06
7/31/2016	9.0	27.6	9.0	20'1"	43.79	25.4	5.3	35.9	7'6"	143.1	40.9	186.84
8/31/2016	9.2	28.2	9.2	22'3"	24.88	8.7	3.2	32.9	8'3"	132.8	44.1	157.68
9/30/2016	8.3	25.5	6.3	25'8"	4.96	10.8	2.2	10.3	13'2"	75.1	37.5	80.06
10/31/2016	11.0	33.8	2.5	23'2"	18.35	5.9	0.0	4.0	14'4"	63.83	6.4	82.18
11/30/2016	11.2	34.5	0.0	20'8"	38.22	5.3	0	0.0	14'2"	65.38	0.0	103.6
12/31/2016	16.5	50.5	0.0	16'8"	83.5	10.4	0.0	0.0	11'6"	92.82	0.0	176.32
Total Flow	140.8		29.8			180.8	12.9	83.2			212.6	
Annual ac ft	432.1		91.5			554.9	39.6	255.2			652.5	
2017												
1/31/2017	30.9	94.8	0.0	9'3"	211.4	10.7	0.0	0.0	6'8"	154.9	0.0	366.25
2/28/2017	26.5	81.3	0.0	4'1"	334.2	10.2	0.0	0.0	4'4"	190.6	0.0	524.72
3/31/2017	15.5	47.6	0.0	1'5"	408.37	14.1	0.0	0.0	1'5"	240.4	1.5	648.74
4/30/2017	16.1	49.5	0.0	1'6"	405.9	34.9	0.0	0.0	1'8"	235.9	5.9	641.82
5/31/2017	9.6	29.4	0.0	3'7"	347.5	38.0	2.7	0.0	1'2"	244.9	27.4	592.42
6/30/2017	8.9	27.3	8.0	6'7"	271.3	36.0	8.8	0.0	3'2"	209.8	36.2	481.07
7/31/2017	8.6	26.4	8.7	11'	176.05	35.0	10.7	0.0	6'11"	151.3	41.8	327.34
8/31/2017	8.8	27.0	8.7	13'9"	126.97	20.6	8.6	0.0	7'6"	143.1	12.1	270.02
9/30/2017	8.7	26.7	8.7	16'2"	90.32	18.3	11.9	0.0	6'10	152.5	0.0	242.81
10/31/2017	8.0	24.6	8.1	17'4"	74.8	13.8	9.4	0.0	9'7"	115.53	17.2	190.33
11/30/2017	11.5	35.3	0.9	14'10"	121.56	9.7	7.4	0.0	11'1"	97.54	27.2	219.1
12/31/2017	9.5	29.2	0.0	12'9"	143.91		6.3	0.0	10'6"	104.35	0.0	248.26
Total Flow	162.6		43.1			241.3	65.8	0.0			169.3	
Annual ac ft	499.0		132.2			740.6	202.1	0.0			519.6	
2018												
1/31/2018	13.6	41.7	0	9'7"	206.1	8.4	0	0	8'8"	128.4	0	334.5
2/28/2018	8.7	26.7	0	7'10"	240.4	5.1	0	0	8'3"	133.9	0	374.3
3/31/2018	22.1	67.8	0	4'1"	332.9	8.00	0	0	5'11"	164.1	0	497
4/30/2018	14.1	43.3	0	3'9"	342.6	23.8	6.0	0	3'3"	200.9	1.15	543.5
5/31/2018	9.3	28.5	0	3'10"	340.6	16.9	9.9	0	8'2"	133.9	27.71	474.5
6/30/2018	8.4	25.8	5.3	5'8"	295.1	21.2	9.6	0	15'1"	59.6	37.73	354.7
7/31/2018	9.3	28.5	9.2	10'0"	193.7	35.4	9.5	0	22'0"	17	42.85	210.7
8/31/2018	9.7	29.8	9.7	11'7"	163.6	12	5.8	0	20'9"	22	0	185.6
9/30/2018	9	27.6	9	13'11"	123.9	16	10.7	0	19'3"	36.2	0	160.1
10/31/2018	8.9	27.3	8.9	15'2"	106	16.2	10.0	0	11'	45.6	0	151.6
11/30/2018	10.5	32.2	5.8	15'1"	107.2	14.9	5.6	0	14'10"	60.9	0	168.1
12/31/2018	11.7	35.9	0 47.9	13'6"	131.2	15.2	0	0	11'2"	94.9	100.44	226.1
Total Flow	135.3			0		193.1	67.1	0	0		109.44	
Annual ac ft	415.2		147.0	0.0		592.6	205.9	0.0	0.0		335.9	

Date MWT Fibro Suter Creek Trigation Henderson the System Outflee Trigation Inflow (mg) Freeboard Creek Present Creek Cr	2019 1/31/2019 2/28/2019 3/31/2019 4/30/2019 5/31/2019 6/30/2019 7/31/2019 8/31/2019 9/30/2019 11/30/2019 11/30/2019 11/30/2019 12/31/2019 12/31/2019 131/2020 1/31/2020 4/30/2020 5/31/2020 6/30/2020
131/2019	1/31/2019 2/28/2019 3/31/2019 4/30/2019 5/31/2019 6/30/2019 7/31/2019 8/31/2019 9/30/2019 10/31/2019 11/30/2019 11/30/2019 12/31/2019 12/31/2019 131/2020 1/31/2020 4/30/2020 5/31/2020 6/30/2020
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10/31/2022	5/31/2022 6/30/2022 7/31/2022 8/31/2022
11/30/2022	5/31/2022 6/30/2022 7/31/2022 8/31/2022 9/30/2022
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