

**ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING**

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

1 **1. CALL TO ORDER**

2 President Danz called the meeting to order at 8:30 a.m.

3 **PLEDGE OF ALLEGIANCE**

4 Those attending joined in reciting the Pledge of Allegiance.

5 **ROLL CALL**

6 Directors Present: Barbara Danz, President; Charles Nungester, Vice President;
7 Janet S. Grant; Jon Northrop; Virginia Quinan

8 Directors Absent: None.

9 Staff Present: John Collins, General Manager; Buz Bancroft, Maintenance
10 Supervisor; Mike Dobrowski, District CPA (by telephone); Jancis Martin,
11 Recording Secretary

12 Guests Present: Julie & Al Pride/AMEA; Pat Davison/CATT; Dave
13 Ruben/NTFPD; Rui Cunha/Placer County Office of Emergency Services (by
14 telephone); Doug Allen/Resource Development Co.

15 **2. PUBLIC PARTICIPATION**

16 None.

17 **The numbering of the following items matches the original order of the**
18 **scheduled items in the meeting agenda. However, to take best advantage**
19 **of meeting participants' time, the items were dealt with in a different order**
20 **during today's meeting, as seen below.**

21 **3. ITEMS FOR BOARD DISCUSSION & ACTION**

22 **A. Financial Reports:**

23 Mike Dobrowski, District CPA, participated in discussion of this agenda
24 item by telephone. He reported that:

- 25 • On a year-to-date basis, the District's income is about \$200K greater
26 than last year, thanks to rate increases and postponement of some
27 expenses. There will probably be additional maintenance expenses
28 later in the year.
- 29 • The District's cash position is over \$400K greater than last year, as
30 the District continues to build its capital improvement reserves.
- 31 • Mike is continuing to pursue delinquent accounts and send out
32 collection notices.
- 33 • He has been working with the auditors, whose final report will
34 probably be available next month.

35 President Danz noted that the furnace replacement was miscoded as an
36 expense, rather than as a capital expenditure, so the financial reports
37 reflect the incorrect posting. It will appear correctly in next month's report.

38 i. **October Financial Statements:** Director Northrop made a MOTION
39 that the Board approve the financial statements, dated November 5,
40 2007, as presented. Director Nungester SECONDED the motion. All
41 Directors being in favor, the motion was APPROVED.

42 ii. **September Expenses Paid & Payable:** The Directors reviewed the
43 monthly check register. Director Grant made a MOTION that the
44 Board approve the Expenses Paid & Payable (checks 23328 through
45 23381). Director Northrop SECONDED the motion. In discussion,
46 Director Grant asked if President Danz had been in attendance at
47 both Board meetings during the pay period; President Danz said yes.
48 Director Grant asked where the snow-making revenue appears in the
49 budget on the financial reports; Manager Collins replied that it

**ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING**

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

1 appears in "Other Revenue", as an average of the prior five years. All
2 Directors being in favor, the motion was APPROVED.

3 **I. Fiscal Year 2007 Financial Audit:**

4 The Board reviewed the draft of the financial audit report. The District
5 received a clean, unqualified opinion. The Budget & Finance Committee
6 report contains detailed information about the Committee's interaction
7 with the auditors. The final audit report will be distributed in time for the
8 December meeting. The auditors will attend the meeting to answer any
9 questions that may arise.

10 **B. Approval of Minutes of Regular Board Meeting Held on October 12,**
11 **2007:**

12 Director Northrop made a MOTION that the Board approve the minutes of
13 the October 12, 2007, Regular Board of Directors Meeting. Director
14 Quinan SECONDED the motion. In discussion, the following corrections
15 were proposed:

- 16 • Page 3, line 25: replace "Stuart" with "Stewart",
- 17 • Page 6, line 20: replace "revised" with "revision",
- 18 • Page 7, line 22: replace "Stuart" with "Stewart",
- 19 • Page 7, line 33: place commas before and after "on behalf of the
20 Board".

21 Director Northrop amended his MOTION to include the corrections.
22 Director Quinan SECONDED the amended motion. All Directors being in
23 favor, the amended motion was APPROVED.

24 **F. Prevention of Dumping Illegal Items in Dumpsters & Security of**
25 **Dumpster Area:**

26 The Board reviewed actions taken since last month and possible future
27 actions for mitigating the illegal dumping problem:

- 28 • Signage: Staff showed the "No Dumping" signs to the Board. Buz
29 reported that human-related problems around the dumpsters have
30 abated significantly. He thinks the abatement is due to concern by
31 valley residents since the distribution of the most recent District
32 newsletter with its article about dumping, and to more frequent
33 interaction between Staff and dumpers. The bears are still trying to
34 open dumpsters but the clips are keeping the bears out.
- 35 • Lights: The motion sensor lights are working. Fire station residents
36 report that people come through at all hours of the night, even at 2:00
37 and 3:00 a.m.
- 38 • Correspondence: There was a letter from John Moise, President of
39 AMEA, conveying the AMEA board's strong recommendation that the
40 District retain the dumpsters. President Danz said the ASCWD
41 Board should place value on the AMEA board's recommendation
42 when making a decision about retention of the dumpsters.
- 43 • Julie Pride asked if the District could install an electronic gate, with
44 code access, to keep out illegal dumpers. President Danz said
45 people would just leave trash outside the gate. Buz added that such a
46 gate would restrict access to the fire station. Director Northrop
47 pointed out a gate can be a snow removal hindrance.

48 **G. General Manager's Report:**

ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

1 John Collins, General Manager, provided a written report on his activities
2 during the month of October, with discussion on the following topics:

- 3 • Well R-1 Project: Lumos & Associates have completed about 50% of
4 a set of plans. Doug Allen of Resource Development Company will
5 be in attendance at today's Board meeting at 10:00 a.m.
- 6 • Fire services: \$77,750 in payments to Isbell Construction have been
7 approved. The work is now complete and the final payments are
8 being prepared, along with the notice of completion. Change Order
9 #1, which takes the total cost of the project above the anticipated
10 \$76,000, was to correct some ADA issues; Chief Whitelaw and Don
11 Fulda are working on the change order.
- 12 • Springs 2 and 4: Repairs are on hold.
- 13 • Rates, late fees: Manager Collins communicated with customers
14 regarding sewer rates and the imposition of late fees. A customer
15 said he planned to sue the District over its sewer rates, saying that the
16 District could not impose late fees for an incomplete billing period.
17 Manager Collins spoke with District legal counsel, who said
18 governmental entities in California can charge late fees for an
19 incomplete billing period. Manager Collins conveyed this information
20 to the correspondent, who had previously signed the service
21 application, acknowledging the rate structure and late fee procedure.
- 22 • Audit: Worked with the auditors.
- 23 • Ski area: Interacted several times with ski area representatives,
24 conveying District feedback on the master agreement draft.
- 25 • Defensible space clearance on District properties: Worked with
26 NTFPD's Stewart McMorrow on a grant application to be submitted to
27 Sierra Nevada Conservancy. Stewart has now turned the application
28 over to Manager Collins, who will complete and submit it.
- 29 • Easements: Is working with the County Recorder's Office on the
30 logistics of recording documents.
- 31 • Ferwerda trial: Met with Mr. Ferwerda twice to work on footing issues.
32 Mr. Ferwerda is planning to stay outside the setback but still needs to
33 determine how close he can get to the actual sewer line. Fred Fahlen
34 has studied the issue and has given a tentative response on exactly
35 how close Mr. Ferwerda can put the footings.
- 36 • General Managers Meeting: A topic of interest to the managers was
37 the idea of sharing key personnel, like Clerk of the Board, meter
38 readers, mechanics, and human resources personnel.
- 39 • Remote-read meter program: Buz reported that the District has
40 received 10 free meters but they have not yet been installed. Staff
41 wants to install them at residences that typically have high usage or
42 year-round inhabitants.

43 **D. Ordinance 8-2007: Alpine Meadows Fire Ordinance:**

44 At 9:00 a.m., President Danz continued last month's public hearing on
45 proposed modifications to the Alpine Meadows Fire Ordinance. At 9:01
46 a.m., in the absence of public comment, President Danz closed the public
47 hearing and asked the Directors for their comments:

- 48 • Director Grant complimented Dave Ruben on a great job. Director
49 Nungester also thanked Dave for his assistance over the last month.

**ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING**

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

- 1 • Director Quinan noted that page numbering skipped from page 25 to
2 33, without missing any content. Dave said he would fix it.
- 3 • Director Quinan asked about the removal of the reference to
4 International Fire Code provision 304.1.2. Dave said that since
5 various Directors had objected to the provision, he removed it. The
6 content of that provision has been legislated by a recently adopted
7 County ordinance (discussed later today in agenda item 3E).
- 8 • Director Northrop asked if section 1.6 – Abatement of Unlawful
9 Conditions – meant fire department personnel could deal with
10 properties not considered to be fire safe. Dave said the provision was
11 intended to deal with fire hazards deemed to be public nuisances but
12 not the best way to deal with properties deemed by neighbors to
13 constitute fire hazards. NTFPD does not have the resources to
14 enforce the ordinance by writing tickets; they prefer to address the
15 issue with education. Public Resource Code Section 4291 is a better
16 way to address hazardous materials on other people’s properties.
- 17 Director Nungester made a MOTION that the Board adopt Ordinance 8-
18 2007, Alpine Meadows Fire Ordinance. Director Northrop SECONDED
19 the motion. Roll was called to approve the Ordinance. Ayes: Directors
20 Grant, Northrop, Nungester, Quinan and President Danz. Nays: none.
21 The Ordinance was APPROVED. Dave said the Placer County Board of
22 Supervisors would receive an electronic copy of the Ordinance today, but
23 he will still need to get them the original document. Hopefully it will be
24 dealt with at the December meeting of the Board of Supervisors, if not
25 then it will most likely be handled at their first meeting in January.
- 26 **C. Fire Department Report:**
- 27 Dave Ruben was in attendance for NTFPD and discussed with the Board
28 the following items:
- 29 • Rui Cunha is unable to attend today’s Board meeting in person as
30 originally planned but he can be reached by phone during discussion
31 of agenda item 3E if necessary.
- 32 • October Dispatch Report: There were no alarms in the Valley.
- 33 • Fire Station: The new station sign is up and looks good. The
34 Friday/Saturday/Sunday staffing is working out well. Construction of
35 the addition is complete except for a rear exit light. Chief Whitelaw
36 has authorized all payments to Isbell Construction except the 10%
37 retention. NTFPD is pleased with Isbell’s work.
- 38 **E. Placer County Hazardous Vegetation Abatement Ordinance:**
- 39 The Board discussed the proposed Ordinance. Rui Cunha, Placer
40 County Office of Emergency Services Program Manager, was available
41 by phone for this agenda item:
- 42 • Rui apologized for not being able to attend the meeting and provided
43 the background of the Ordinance. He said that, of the various factors
44 that can drive a fire - weather, topography and fuels - humans can
45 only control the fuels. State law requires that, where homes are
46 developed in wildlands/urban interface areas, those homes shall have
47 100 feet of defensible space cleared. In general, people cannot
48 maintain the full defensible space because 100 feet extends onto
49 neighboring properties that they cannot clear. The Ordinance

ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

- 1 addresses this drawback. It requires property owners of adjacent
2 empty lots to clear their property which is within 100 feet of a structure
3 on a neighboring property. The philosophy is that a community takes
4 responsibility for providing the community's safety, which includes
5 providing defensible space.
- 6 • The County Board of Supervisors passed this Ordinance last
7 Tuesday, initially to serve as a pilot program focused solely on
8 unimproved parcels, with the provision that the program could be
9 extended to improved parcels after the end of the pilot program. At
10 that point, the owner of an improved parcel can be required to provide
11 clearance up to his neighbor's full defensible space.
 - 12 • Director Nungester asked if District lands were subject to the
13 Ordinance. Rui said yes, the District's lands are subject to the
14 Ordinance. If the fire chief were to determine that fuel conditions on
15 ASCWD lands were hazardous to adjacent improved parcels, the
16 Ordinance would require 1) that the fire chief issue the District a
17 notification of nuisance, 2) the District would receive notification of the
18 areas to be cleared, and 3) the fire chief would then ensure that the
19 project was included in a community wildfire protection plan so that
20 grant funding could be obtained to address the project. The
21 methodology provided by the Ordinance provides support for grant
22 funding which can be obtained to address problem areas, including
23 grants to public agencies that would otherwise be unable to afford the
24 clearance.
 - 25 • Director Northrop asked if there were trespass issues involved with
26 clearing a neighbor's property when both neighbors are responsible
27 for the clearance. Rui said the Ordinance affects situations involving
28 neighboring unimproved parcels when one of the parcel owners
29 chooses to improve his/her property. If the owners of the to-be-
30 improved lot place their structure in a position where they cannot
31 obtain their full clearance without clearing their neighbor's property,
32 each lot owner bears 50% of the cost of clearing the neighbor's
33 property (after the fire chief orders an abatement of fuels on the
34 unimproved property). There is no trespass involved, just a sharing of
35 the bill.
 - 36 • Usually sometime in the late winter or early spring, the fire department
37 develops a plan for its defensible space inspection program, focused
38 on improved parcels. As they carry out the inspections, there will be
39 instances where 100 feet of defensible space is not obtainable
40 because the property line is less than 100 feet from the structure.
41 Where two improved parcels are next to each other, there is nothing
42 that can be done about it. Where one of the parcels is unimproved,
43 the Ordinance addresses how to obtain clearance by clearing the
44 unimproved parcel, via an order to abate fuels on the unimproved
45 property.
 - 46 • Director Northrop asked how to enforce defensible space on improved
47 parcels with owners who were not providing their own clearance. Rui
48 said there is currently no way to enforce it and that this Ordinance
49 was not considered the best way to address that lack of enforcement.

ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

- 1
- 2
- 3
- 4
- 5
- 6
- 7
- 8
- 9
- 10
- 11
- 12
- 13
- 14
- 15
- 16
- 17
- 18
- 19
- 20
- 21
- 22
- 23
- 24
- 25
- 26
- 27
- 28
- 29
- 30
- 31
- 32
- 33
- 34
- 35
- 36
- 37
- 38
- 39
- 40
- 41
- 42
- 43
- 44
- 45
- 46
- 47
- 48
- 49
- The pilot project is scheduled to start February 1, 2008, and continue through January 31, 2009. President Danz requested that next time an ordinance like this is implemented the District be advised so they can provide input before it is adopted by the County. Pat Davison echoed President Danz’s request.
 - Pat also said she had heard that the Tahoe Sierra Board of Realtors opposed the Ordinance; she asked Rui if he knew why. He said they opposed it because they considered that “the stick was too heavy”. If an unimproved parcel owner failed to comply with the order to abate and, if following a presentation to a board of hearing, the property owner still refused to comply, the county or fire chief could order the abatement. At that point, a contractor could enter the property to carry out the abatement, a lien could be placed on the property in the amount of the abatement plus an administrative fee, which could ultimately lead to a foreclosure. The County Board of Supervisors did not feel “the stick was too heavy”; they felt that there were numerous opportunities for the property owner to do the right thing before the foreclosure took place.
 - Director Quinan said there were references on pages 8 and 11 to the 50% split in funding responsibility for adjacent property clearances. She felt a couple of things are unclear: 1) the language does not distinguish between clearing the whole unimproved parcel rather than the lesser requirement of clearing up to 100 feet from the new structure on the improved building site, and 2) if the newly improved parcel owner does not do this, s/he would be subject to the same fine as the unimproved property owner and that is not made clear. Rui said he asked County counsel to respond to Director Quinan’s concern. They recommended against further clarification, feeling there was sufficient information in the Ordinance.
 - Dave asked Rui if the Board could opt out of the pilot program this year, since they were somewhat uncomfortable about it and had not been given the opportunity to provide input during the development of the Ordinance. Rui said yes but that his personal position was that the Board would have to weigh the benefits of not participating with the risk to the community and the message it sends to the Board’s constituents.
 - With no further questions from the Board for Rui, President Danz thanked Rui for his participation in the discussion and told him the Board would advise him if they took any action to opt out of the Ordinance. Rui said he would be happy to work with the Board next year as they start to implement the post-pilot program.
 - After Rui terminated his phone session, the Board continued to discuss the Ordinance.
 - Director Nungester said he did not see the benefit of the Ordinance to the community.
 - Dave Ruben pointed out that the Ordinance also enforces clearance for ten feet next to roadways.
 - In response to a question, Manager Collins said there were 110 vacant lots in the valley.

**ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING**

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

- 1 • Al Pride said there were vacant lots near his residence that were
- 2 terrible hazards.
- 3 • Director Grant felt the Board needed to find out more about what was
- 4 involved in opting out of the Ordinance before taking any action.
- 5 Director Nungester agreed.
- 6 • Director Quinan asked how the County would be able to enforce the
- 7 Ordinance. Dave Ruben said there was about \$250,000 set aside in
- 8 the pilot program to pay for forced abatements and an additional
- 9 \$50,000 to pay for inspectors. NTFPD's concern is that NTFPD and
- 10 ASCWD do not have the resources to carry out all the inspections;
- 11 after the pilot program is over, the cost of the inspections will fall to
- 12 the individual districts. Other than this concern, NTFPD supports the
- 13 Ordinance. Supervisor Kranz was a sponsor for the legislation in
- 14 response to many constituents' concerns about vacant lots.
- 15 • Director Grant asked if the 100 feet of defensible space crossed
- 16 roads, or if the property owner was only responsible for the 10 feet
- 17 next a road. Dave was not sure but felt the defensible space did not
- 18 cross roads, which were considered fire breaks. He will ask Rui.
- 19 • Director Quinan asked what the procedure was for identifying
- 20 hazardous properties. Dave said concerned residents should first
- 21 speak with the property owner and, in the absence of a reasonable
- 22 response, could then contact NTFPD to do a drive-by inspection.
- 23 • Director Grant asked if NTFPD would be inspecting the valley in the
- 24 spring. Dave said yes.
- 25 • Discussion will continue on this topic at the December Board meeting.

26 **J. Well R-1 Connection:**

27 Doug Allen was in attendance, representing the contractor, Resource
28 Development, to participate in discussion of the status of the project to
29 connect Well R-1 to the District's water supply:

- 30 • Manager Collins introduced Doug, who gave a summary of his
- 31 company's credentials. Resource Development has been in business
- 32 since the early '70s; they primarily implement water system
- 33 improvements, storage tanks, well building, pumps, and sewer
- 34 treatment works; they have worked for most of the PUDs up here and
- 35 have a good reputation with PUDs as far south as Las Vegas; the
- 36 business employs about 60 trained engineers and operates out of
- 37 Sparks; Doug lives in Tahoe City; the company has worked for
- 38 ASCWD on small projects, including retrofitting work on a storage
- 39 tank; the company crews are all very qualified.
- 40 • The status of the Well R-1 project is as follows: later this month
- 41 Manager Collins will schedule a meeting with Lumos and Resource
- 42 Development to gain Doug's input into the Lumos plan so the plan
- 43 and drawings will be workable for Resource Development. District
- 44 Staff will also provide input. Doug will then present his timetable and
- 45 cost for Board approval at either the January or February Board
- 46 meeting. When the well is no longer being used for snow-making, the
- 47 work can begin.

48 **L. Operations & Maintenance Department Report:**

ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

1 Buz Bancroft presented a written report for the month of October that
2 included status updates on water, sewer, garbage and other services
3 provided by the District. In addition to the information on the written
4 report, the following were discussed:

- 5 • ABC finished hydro-flushing the sewer lines in the month of October.
6 Then a large pile of debris lodged near the meter for TTSA. Yesterday
7 Tahoe City PUD came to clean out the line so the meter would
8 operate normally.
- 9 • Staff winterized the Park.
- 10 • Staff had to intervene between a homeowner and a beaver. The
11 beaver was gnawing down the homeowner's aspens as construction
12 material for the beaver's dam, which was located on District property.
13 The homeowner wanted the District to sign a depredation permit to
14 trap the beaver in the water (on District property). When Buz called
15 the trapper to discuss other options, the trapper suggested that if the
16 dam were pulled apart, the beaver might move away. Staff tried this a
17 couple of times but the beaver kept repairing the dam. Staff then
18 placed one of the Park's coyote cutouts in a break in the dam and the
19 beaver finally moved away.
- 20 • All water samples were absent coliform bacteria until after a recent
21 heavy rain when a water sample from Spring 2 tested positive.
- 22 • Since the weather remains nice, Buz will try to get the tank inspectors
23 out again. Otherwise the inspections will have to await the spring.

24 **M. TTSA Report:**

25 There have been no TTSA Board meetings since last month's ASCWD
26 Board meeting. The next TTSA Board meeting is scheduled for
27 November 14, 2007, at 9:00 a.m.

28 **The Board took a break from 10:15-10:25.**

29 **K. Agreement between Alpine Sierra Ventures, LLC, and ASCWD:**

30 The Board reviewed the draft of a master agreement between the two
31 entities:

- 32 • President Danz reported that the agreement has been sent to District
33 legal counsel for review. The Directors received copies of the master
34 agreement along with all the old agreements, except addendum 11-
35 18-92 (exhibit C). There was also no map. Manager Collins will
36 follow up.
- 37 • The ski area owners are not interested in including the old parking lot
38 agreement in the new master agreement.
- 39 • Director Nungester asked if the District could buy out of the old
40 contract for paying off the development of Wells R-1 and R-2.
41 Manager Collins said the new contract was not clear. He needs to
42 find out if the District can pay off the well lease without doing the "cost
43 of service" study stipulated by Alpine Sierra Ventures in the proposed
44 agreement. Manager Collins said the advantage of paying off the
45 lease is it would increase water revenue but the disadvantage is it
46 would reduce the District's cash position.
- 47 • Manager Collins said there was no mention of guaranteed access to
48 facilities and no easements granted to the District for doing work on its
49 facilities.

**ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING**

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

- 1 • Director Quinan asked how much water was used by the ski area.
2 Manager Collins replied that the yearly average was 4-6 million
3 gallons but this year it was 14 million gallons. Director Quinan asked
4 what rate the ski area would pay for water usage. Manager Collins
5 said their usage would fall in the highest tier of rates.
6 • Discussion ensued regarding references to Alpine Sierra Ventures'
7 Well 3. Alpine Sierra Ventures asked if ASCWD wanted to take the
8 well and Staff's initial position was no; the well is unusable by the ski
9 area and its water quality is questionable. Manager Collins said the
10 Board might want to consider acquiring it anyway, since the District is
11 the purveyor of water for the valley. President Danz asked Manager
12 Collins to request District legal counsel's opinion and suggested that
13 wording in the master agreement could take the form of "District will
14 take the Well subject to District investigation and examination of it."
15 • Manager Collins has corrected property ownership errors in the
16 document.
17 • Concerns expressed by Directors:
18 ○ President Danz said the indemnification clauses in the document
19 were very one-sided. The agreement needs to be more evenly
20 balanced between the two entities. She has already spoken with
21 District legal counsel about this concern.
22 ○ The reference to snow-making on page 5 is unclear.
23 ○ Section 1.5 says the ski area shall have use of water without
24 charge.
25 ○ The term of the agreement was unclear, as was how it could be
26 cancelled. It was unclear when termination clauses referred to
27 individual aspects of the agreement vs. the entire agreement.
28 ○ President Danz has strong feelings against arbitration, in
29 particular because there is no appeal. She will recommend to
30 District legal counsel that the Board not agree to arbitration and
31 that references to it be removed from the agreement.
32 ○ Director Nungester is concerned about the stipulation that if the
33 ski area were sold, all wells and assets would need to be removed
34 from the ski area property.
35 ○ The Directors concurred that some of the agreements need to be
36 broken out as separate agreements.
37 ○ Manager Collins is concerned about section 6.9, providing access
38 to District assets by ski area personnel, and references to water
39 rights (Article IV).

40 Manager Collins and President Danz will discuss their concerns with
41 District legal counsel. Future versions of the agreement will be brought to
42 the Board for review, probably after the December meeting.

43 **N. Committee Reports:**

- 44 i. **Budget & Finance Committee:** President Danz presented a written
45 report of the Committee's November 8, 2007, meeting with detailed
46 discussions of the following items:
47 a. **Status of investments/cash:** After discussion with auditors about
48 how and when to invest funds, the Committee will review the
49 status of cash when the \$80,000 CD matures in April 2008.

**ALPINE SPRINGS COUNTY WATER DISTRICT
MINUTES OF THE REGULAR BOARD OF DIRECTORS MEETING**

Pursuant to notice given, the regular meeting of the Board of Directors, Alpine Springs County Water District, was held Friday, November 9, 2007, at 8:30 a.m., District Board Room, 270 Alpine Meadows Road.

- 1 b. **Requests from customers for adjustments to their bills:** The
2 Committee denied two requests from customers asking that their
3 late fees be waived; in both cases the customers claimed to have
4 not received the initial billing.
- 5 c. **Requests for unbudgeted expenses:** Manager Collins
6 recommended that the Committee approve an expenditure of
7 \$2,500 to support the grant application to the Sierra Nevada
8 Conservancy. The Committee deferred recommendation on the
9 unbudgeted expense to the Board, which discussed the item later
10 in today's meeting (agenda item 3H).
- 11 d. **Next meeting:** Scheduled for Thursday, December 13, at a time
12 to be determined.
- 13 ii. **Long Range Planning Committee:** There was no meeting.
- 14 iii. **Park, Recreation and Greenbelt Committee:** There was no meeting.
- 15 iv. **Administration & Personnel Committee:** There was no meeting.
- 16 **H. Resolution 9-2007: Grant Application to Sierra Nevada Conservancy:**
17 The Board reviewed the grant application to Sierra Nevada Conservancy,
18 the primary purpose of which is to remove hazardous materials from the
19 District greenbelt and other properties in the valley:
- 20 • Manager Collins reported that the project laid out in the grant
21 application – totaling about \$196K – consisted of two elements: 1)
22 reduction of fuels on common properties owned by three homeowner
23 associations and ASCWD that intertwine between private homes
24 through the valley (the areas are identified in the Community Wildfire
25 Protection Plan completed in 2005) and 2) a chipper program for the
26 valley. The District would administer the grant and coordinate the
27 work.
 - 28 • Manager Collins recommended that the Board contribute \$2,500 to
29 the Project, which is what AMEA will also be contributing. Juniper
30 Mountain and Bear Creek will imminently be deciding whether and
31 how much to contribute. Grant agencies like to see community
32 involvement in the form of contributions like these.
 - 33 • Director Nungester said he felt Fire Safe Councils were supposed to
34 be writing and administering grants like this, rather than having
35 ASCWD in charge of it. He was concerned about spending District
36 funds for Manager Collins' and Staff time and support in developing
37 the grant application and potentially administering the grant.
38 President Danz said she agreed in general with Director Nungester's
39 position but in the case of this grant, since the lands in question
40 belong to the District, the District needs to take a lead on the grant. If
41 the District is not awarded the grant, the Board will have to come up
42 with the funding for the work. Director Grant agreed with Director
43 Nungester that the District is getting into business that should be
44 handled by the Fire Safe Councils.
 - 45 • Director Grant asked Manager Collins to keep track of his costs
46 associated with writing and administering the grant.
 - 47 • President Danz was concerned that chipping had been included in the
48 grant. Manager Collins said Stewart McMorrow included it in the
49 application before handing the application to ASCWD for completion.

