

**UNION PUBLIC UTILITY DISTRICT  
339 MAIN STREET  
MURPHYS, CA 95247**

**MINUTES OF APRIL 10, 2019 SPECIAL MEETING**

The Board of Directors of the Union Public Utility District met in Regular Session at the UPUD Office in Murphys, California, at approximately 5:00 PM.

Directors Present:	RALPH CHICK	President
	GREG RASMUSSEN	Vice President
	TOM QUINCY	Secretary
	DUANE ONETO	Treasurer
	ERIC BOTTOMLEY	Director

Also Present:	BILL ELTRINGHAM	District Manager
	ELAINE URRUTY	Office Manager
	KEN AIROLA	Legal Counsel
	MATT OSPITAL	District Engineer
	KAREN ROJAS	UWPA
	CHRISTINE VANA	39 <sup>TH</sup> DAA/CALAVERAS FAIR
	TIM FOLENDORF	39 <sup>TH</sup> DAA/CALAVERAS FAIR
	BOB TRINCHERO	39 <sup>TH</sup> DAA/CALAVERAS FAIR
	TAD WINANS	DOVE HILL RANCH
	BILL & DELORES AIROLA	AIROLA RANCH
	PUBLIC AT LARGE	

1. PLEDGE OF ALLEGIANCE. The Pledge was given.
2. PUBLIC COMMENT. There was no public comment.

**NEW BUSINESS:**

- 3.a CALAVERAS COUNTY FAIRGROUNDS WATER SYSTEM & BOTTOMLEY TRUST WATER CONNECTION; DISCUSSION/POSSIBLE ACTION President Chick and District Legal Counsel, Ken Airola, reported that this meeting was called to review the proposed agreement presented at the March board meeting, now that the Board and Legal Counsel have had time to review the agreement, and to address questions and issues regarding the agreement. The Board was provided with copies of past UPUD minutes, letters and an indemnification agreement regarding the Calaveras Fairgrounds service in the agenda packet for their review. Ken Airola asked Bill Eltringham to give an overview of the water lines in the area and the past agreements. Bill Eltringham reviewed the history and where the water lines are located and noted that the draft agreement lists the water lines from Red Hill Road, which is incorrect and should be corrected, as the lines begin on Bill Airola's property near the irrigation pond. Originally, the system was a ditch system with a weir and was later piped, but was one water for domestic & irrigation usage at that time. When UPUD had to put in a treatment system in 1986-87 they had to pipe the system from Vallectio to Carson Hill in phases. For consideration of going through Airola's property UPUD granted them a domestic meter on his property and

ran the lines to it. Then the Calaveras Fair in 1989 started a plan to run lines through Airola's and Roller/Albasio's property to serve the fairgrounds and granted Airola's two meters off of the fairgrounds waterline and one meter to Roller/Albasio, per the agreements noted in backup documents. Lengthy discussion ensued regarding the agreements and having meters off a private service and the responsibility of potable water once water leaves UPUD meter. Bill Airola asked about the Gun Club service that is off of the fairgrounds service. Bill Eltringham said he was not sure if they were utilizing this service and thought they had drilled a well. Elaine Urruty reported that she found records showing that in May 1976 the fairgrounds informed UPUD that they were serving the Gun Club and an additional minimum charge was added to the fairgrounds domestic service for the Gun Club, which they are still paying. Tad Folendorf confirmed that the Gun Club is still getting water from the fairgrounds, but it is less usage due to the well they now have. Elaine said that no additional minimum charge was ever added for the Albasio property, as it was added before the district had additional minimums and was never added later. The maps of the area were reviewed. Tad Winans reviewed that they have been working directly with the State for almost four years to review documents and have come to an agreement that both the State and they are comfortable with to grant a certain amount of water for easements given through their property. The issue that comes up is, if Bottomley goes over the allotment agreed to, the overrun would be considered selling water. Therefore, they are asking the District for approval to reimburse the fairgrounds for any overage and asking how this would best work for the District to make sure they are transparent in their agreement. Christine Vana, Legal Counsel for the State, confirmed they are coming to the UPUD Board for their blessing to move forward with the agreement. Christine said they will then move forward to finalize the agreement following UPUD direction on how to read the meters and collect for any overage. Bill Eltringham cautioned the fairgrounds to watch how much water can be delivered through their line and how much they may be running through the line if the Airola's and Bottomley's use their full allotment being granted. Discussion ensued regarding locations where the services are located, where they draw from and stressed that this is a concern the fairgrounds and those using the water need to be aware of. Bill Airola stated that he just wanted to make sure everyone was aware that he may choose to use one or both of the additional connections available to them, which would draw more water in the future. President Chick asked that the fairgrounds keep the Airola's in the loop on the agreement process. Elaine Urruty recommended that UPUD should follow review and finalize the indemnity agreement that we found unsigned in our files regarding connection fees and additional minimum charges and that UPUD is not responsible for the potability of the water once it leaves our meter. Elaine said we have never charged the connection fees noted in the agreement and recommended just charging the additional minimum for each service added like we now do the Gun Club. Discussion ensued and it was decided this should be looked at as the agreement is being reviewed and finalized. Bill Eltringham stated that the maps and description need to be corrected in the agreement and he has given the maps to Laurie Giannini. Eric Bottomley noted that the Bottomleys want to make sure that there is an agreement between them and the fair and one between Airolas and the fair, not a three party agreement. Bill Airola also noted that in the agreement one of the Airola's connections was being given to Bottomleys, which is in error and needs to be corrected. Eric Bottomley said that this was a misunderstanding and has since been corrected. Christine Vana said that this agreement can be taken back for amendments and then brought back to the UPUD Board for review. It was the Board's consensus that they are in favor of the Calaveras County Fair continuing work on correcting and finalizing the water agreement to be reviewed by Ken Airola

and the Board for final approval. This item will be removed from the April 17, 2019 agenda and the fair will bring the agreement back to UPUD when the final draft is ready for review.

4. DIRECTOR COMMENTS: There were no Director comments.
5. NEXT MEETING: Next regular meeting is scheduled for Wednesday, April 17, 2019, at 7:00 PM.
6. ADJOURNMENT. The meeting was adjourned with no further business at 5:42 PM.

Submitted by: TE Quincy  
Thomas E. Quincy, Secretary

Date: 5-15-19

ATTEST:

Elaine M. Urruty  
Elaine M. Urruty  
Clerk to the UPUD Board of Directors