

RESOLUTION NO. 2002-53  
ORDINANCE NO. 2002-01

**A G E N D A**  
**MISSION STATEMENT**  
**“TO PROVIDE THE HIGHEST QUALITY SERVICE**  
**AT THE LOWEST POSSIBLE COST”**

**SPECIAL MEETING DATE:**  
**WEDNESDAY, JULY 31, 2002**  
**9 A.M.**

**CALAVERAS COUNTY WATER DISTRICT**  
**423 E St. Charles Street (PO Box 846)**  
**San Andreas CA 95249**

**ORDER OF BUSINESS**

PLEDGE OF ALLEGIANCE  
ROLL CALL

**PUBLIC COMMENT: [5 MIN PER PERSON/15 MIN PER SUBJECT]**  
[The public may address the Board on items not agendized. The public is encouraged to work through staff members to put items on the agenda for Board consideration. No action will be taken unless the item is agendized.]

**CONSENT AGENDA**

The following items are expected to be routine/non-controversial. They will be acted upon by the Board at one time without discussion. Any Board Member, staff member, or interested person may request that any item be removed for later discussion.

1. MINUTES: June 12 and June 27, 2002
2. Amendment to PERS Contract-----RES\_\_\_\_\_

## AGENDA

### **HEARINGS TO CONSIDER RESOLUTIONS OF NECESSITY**

*This agenda includes one or more hearings to consider resolutions of necessity.*

*The sole purpose of the Board's hearing to consider adoption of Resolutions of Necessity to acquire property by eminent domain as required by the California Code of Civil Procedure is for the Board to determine that all four of the following exist:*

- 1. The public interest and necessity require the proposed project, in this case the CCWD La Contenta Reclaimed Water Water Storage Facility;*
- 2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;*
- 3. The property described in the proposed Resolutions of Necessity is necessary for the proposed project; and*
- 4. The offer required by Government Code section 7267.2 has been made to the owner or owners of record.*

*As part of the Board's evaluation whether these four items exist, the law provides an owner of record of the affected property or recorded interest in the property an opportunity to be heard on these four issues, but only if such owner has filed a written request for such hearing within fifteen days after being mailed notice of the Board's intention to adopt the Resolution. **An owner's failure to timely request in writing such opportunity to be heard on these four matters may waive the owner's right to be heard on these items.***

*This hearing is not an opportunity for members of the public who do not own a property interest in the affected property to be heard on these four issues. While such persons may comment on these or any other issues during the public comment period on the agenda, such comments are not considered part of the record for the Resolutions of Necessity.*

*Adoption of a Resolution of Necessity requires 4 affirmative votes of all of the members of the Board. Adoption of the Resolutions of Necessity conclusively establishes the first three of the required elements. It also authorizes the District's legal counsel to commence eminent domain proceedings to acquire the property.*

#### **1. NEW BUSINESS:**

- a. Hearings Regarding Possible Adoption of Resolutions of Necessity Authorizing Acquisition of Property by Eminent Domain (La Contenta Reclaimed Water Storage Facility):
  1. Gabriel A. Ark-Majiyabe (APNs No. 073-042-029 and 046-019-040), (Adoption of 1 Resolution)
  2. Billy W. and Anita D. French (APN 046-019-041), (Adoption of 1 Resolution)
  3. La Contenta Joint Venture, et al. (APN 073-042-030), (Adoption of 7 Resolutions)
- b. Rules & Regulations Governing the Furnishing of Water and/or Sewer Service, Consideration of Sewer Charge Rebate Policy-----RES\_\_\_\_\_

#### **\*2. GENERAL MANAGER REPORT:**

- a. New Hogan / La Contenta Capacity Charges
- b. CCWD Name Change

**3. BOARD COMMENTS AND FUTURE AGENDA ITEMS:**

**4. CLOSED SESSION: Public Comment**

Conference with Legal Counsel, Anticipated Litigation, Government Code Section 54956.9(c), (3 Cases)

Conference with Legal Counsel, Anticipated Litigation, Initiation of Litigation, Government Code Section 54956.9(c), (1 Case)

**5. NEXT BOARD MEETING:**

Thursday, August 1, 2002, 5-8 p.m., West Point Water Treatment Plant Dedication

Wednesday, August 14, 2002, 9 a.m., Regular Meeting

Thursday, August 29, 2002, 9 a.m., Special Meeting

**6. ADJOURNMENT:**

\*no paperwork in agenda