

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING AGENDA
March 4, 2003

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, March 4, 2003, in the Board Chambers of the District Office at 19039 Bay Street, El Verano, California.

1. CALL TO ORDER - PLEDGE OF ALLEGIANCE - ROLL CALL

President Ron Prushko called the meeting to order at 6:30 P.M. Roll Call by **Deputy Secretary Shari Walk** noted the following present:

Directors Present:	Mark Bramfitt Sanford Smith Michael Woods Ron Prushko
Directors Excused:	Ed Kenny
Directors Absent:	None
District Personnel:	Shari Walk, Office Supervisor Paul Gradolph, Operations and Maintenance Supervisor
General Manager:	Lee Harry
Board Secretary:	Shari Walk
Public Present:	Lee Chocalas, Linda and Tate Israel, and Andrea Perry

General Manager Lee Harry presented an urgency item request regarding Conference with Legal Counsel - Potential Litigation for one case pursuant to Government Code Section 54956.9 based on information received by the Valley of the Moon Water District (VOMWD) this date after the posting of the meeting agenda indicating that immediate action by the Board of Directors was necessary. He advised that Section 54954.2 authorized the Board on a four-fifths vote or three fourths if the full Board was not present to add a matter to the agenda when determining that there was a need to take immediate action. District Counsel had advised that the facts described could be the basis for such a determination and that the determination of whether to initiate litigation was the proper subject of a Closed Session pursuant to Section 54956.9 of the Government Code.

On motion by **Director Bramfitt**, seconded by **Director Smith** and carried unanimously to add an Item C to the Closed Session pursuant to Government Code Section 54956.9(c) to decide whether to initiate litigation regarding one case.

2. PUBLIC COMMENTS

Andrea Perry, a Glen Ellen resident, explained that she was present to speak to two issues subsequent to the February 18, 2003 public hearing on Proposed Mitigated Negative Declaration on Glen Ellen Storage Tank Project. She objected to Mr. Harry's characterization that the 100 people present at the meeting held some time ago in Glen Ellen had been very supportive of the water tank. She stated that meeting had been for informational purposes only and had included two other hotel developments in the town that were not palatable to most of those present. She did not characterize that as in support of the tank. She added that she had found Director Kenny's comments on NIMBYism at the February 18 meeting to be insulting and demeaning to the group. She then offered her definition of NIMBY, *No Inappropriate Manipulations By You*.

Tate Israel, 18322 Robin Avenue, Sonoma, reported that he had received a water bill for the period December 5, 2002 to February 3, 2003 for \$603, three times his water bill for that time of year and had requested that staff of the VOMWD investigate that situation. He stated that VOMWD staff had read the meter and had offered suggestions of what could be wrong. He noted that an additional volume of 151,000 gallons over his normal usage this time of year had been involved, which he had articulated as having to leave open a $\frac{3}{4}$ inch pipe on his property for a two week period. He also noted that would have articulated to the equivalent to a 1.75-gallon leak an hour, which also had not occurred, given that there was no trace of water leakage in his home or on his property. He had no explanation as to why the water bill was so high.

Mr. Israel stated that he had been assured that the meter was back to normal and that there was now no leak. He explained that he had been at home the whole time, had not noticed any water leaks or flood, he had no pool and his irrigation was turned off. He emphasized that the bill was higher than any previous bill even during summer usage. He stated that Mr. Harry had offered to take \$120 off the bill and he had been advised that if he wanted to protest the bill to the Board he could do so. As a 20-year resident of the Valley, he sought some relief to the situation.

General Manager Harry stated that staff had looked into the situation in depth. He stated that Mr. and Mrs. Israel were valued customers, paid their bill on time and there had been no problems with their service. The meter had been checked out and the meter in all professional analysis did not make an error during that time. He noted that the usual errors with meters were generally in favor of the customer since they were older and slowed down and sometimes there could be errors in reading which were caught up on subsequent readings, although that had not occurred in this case. He agreed that while there was unaccounted water, the water had passed through the meter on the customer's side.

Mr. Harry stated that the VOMWD's adjustment policy indicated that if it could be ascertained that a leak occurred unbeknownst to the customer there could be a one time annual adjustment, which could be twice the recommended \$120 adjustment. Although not a part of VOMWD policy, in good faith and absent a repair bill to verify a leak, he would agree to split the bill with Mr. Israel. He did not recommend a further adjustment because of a 99.9 percent assurance that the water meter was accurate during the period in question. The adjustment he had proposed was a good faith adjustment given that the Israels were good customers.

Mr. Harry added that the Board was precluded from the Brown Act to take further action, but he could agendaize the matter to place the item before the Board for consideration at the next meeting, if so directed.

When asked, **Office Supervisor Shari Walk** stated that the VOMWD still had to pay the Sonoma County

Water Agency (SCWA) for the water. She explained that adjustments were based on an average of the normal usage during the same periods before and after. In this case, \$240 could be adjusted from the bill.

Mr. Israel suggested that since the water bill was roughly \$400 more than his two month preceding period, he would agree to split the difference.

Mr. Harry offered to do everything possible to bring a successful resolution to the situation so that the customer was happy and the Board was happy. He would return the matter to the Board only if necessary.

3. CONSENT CALENDAR

- A. Receive and Approve Minutes of February 18, 2003 [Removed for Discussion]
- B. Declare Surplus Property
- C. Approve Fire Hydrant and Service Line Installation Agreement
- D. Cancellation of the Board Meeting Scheduled for March 18, 2003

Director Bramfitt pulled the minutes from the Consent Calendar for correction.

Motion by **Director Woods**, seconded by **Director Bramfitt** and carried unanimously by a voice vote to adopt the Consent Calendar, as shown, with the removal of Item A.

- A. Receive and Approve Minutes of February 18, 2003

Mr. Harry reported that it had not been shown that **Director Smith** had returned to the dais prior to Closed Session.

Director Bramfitt advised that Win Smith had been shown as "Mr. Win" on paragraphs 4 and 5 of Page 5.

Motion by **Director Bramfitt**, seconded by **Director Woods** and carried unanimously by a voice vote to adopt the minutes of the February 18, 2003 meeting, as amended.

4. PUBLIC PRESENTATION

There was no Public Presentation.

5. OPERATIONAL & COMMITTEE REPORTS

- A. Approve Current Financial Reports for January 2003

Motion by **Director Woods**, seconded by **Director Smith** and carried unanimously by a roll call vote to approve the monthly Financial Reports & Disbursements for the month of January 2003 in the amount of \$294,134.40.

- B. Review/Comment on Current District Projects and Significant O & M Issues

Operations and Maintenance Supervisor Paul Gradolph provided the summary review of current District projects and significant O & M Issues for February 2003 and reported that:

- **Project #2823** - Future Production Well at Arnold Drive and Felder Road: It was noted that an issue

would have to be reported in Closed Session with respect to the acquisition of the property. The development of a draft agreement was ready to proceed and nothing else would occur until there was an agreement on the property acquisition.

- **Project #2864** - Telemetry System Phase Three: A factory witness test had been conducted on February 19 attended Paul Gradolph, Bob Freeland and the VOMWD consultant where all hardware had been set up and where a mock central computer had been set up for each site. Some graphics on the screen and minor control operations had been changed. Since the software programmer who had worked on the project had moved to New Zealand, the programmer had been set up electronically to facilitate the session. The hardware was currently being installed and would be set up next week.

President Prushko clarified with Mr. Gradolph that the two Sobre Vista tanks would be installed with this current phase of the telemetry system project.

- **Project #2862** – Sobre Vista Tank Replacement: The existing tank had been removed, temporary tanks were on line to keep up with demand, and there was a backup in place to connect to Sobre Vista Mutual to supplement the water supply if needed, although that was not expected. There was an issue with the contractor on shop drawings, although that issue had been resolved and the submittals had now been received and returned to the contractor who had returned them to the tank manufacturer.
- **Project #2863** – Sobre Vista Water Main Replacement: VOMWD staff had met with one of the property owners and had some minor issues to resolve primarily related to paving. Staff had also met with other property owners who were pleased with the project.

In response to President Prushko, **Mr. Gradolph** reported that there would be hydrants installed as part of the Sobre Vista Water Main Replacement project.

- **Project #2866** – Storage Reservoir Painting Phase 1: The project was thirty percent complete and moving along well weather permitting. Once stripped the tanks would be pressure washed and then primed.
- **Project #2869** - Highway 12 Main Relocation: Plans had been submitted for the relocation of approximately sixty feet of 12-inch water main on Highway 12 south of Feters Avenue. The plans had been forwarded to Caltrans for review and from which a list of questions had resulted. A speaker phone conference would be set up with Caltrans to discuss those issues.
- **Project #2855** - Glen Ellen Storage Tank: There was nothing new to add to the item. The filing of the Notice of Determination had been completed and staff was proceeding to negotiate the terms of the property acquisition.

With respect to the intertie between the Sonoma Development Center and the VOMWD, **Mr. Gradolph** reported that there had been a meeting with Development Center production staff and the intertie would be installed soon. The completion of the intertie was expected within two months.

C. Water Source Report

With respect to well water, **Mr. Gradolph** explained that the percentage had increased because the use of the Aqueduct had been reduced. He added, when asked, that the wells had recovered as much as they were expected to recover at this time of year.

6. **RECEIVE & FILE PRESIDENT'S AND DIRECTOR'S REPORTS OR COMMENTS**

There were no reports or comments.

7. **GENERAL MANAGER'S AND DISTRICT COUNSEL'S REPORTS**

A. Report on WAC Monthly Regular and Negotiation Meetings

General Manager Harry reported that at the negotiating meeting conservation language had been finalized and would be presented to the Board prior to approval. He noted that Sonoma County Supervisor Smith had attended the meeting and he had reiterated that the Sonoma County Board of Supervisors acting as the Board of Directors of the SCWA would appoint a liaison to work with the Water Advisory Committee (WAC) rather than having a biannual meeting between the full Board of Supervisors and the WAC. Other issues had to do with ongoing attempts to see what would be done about the Township of Windsor and Marin Municipal.

At the monthly regular meeting of the WAC there had been a discussion of the budget. The subcommittee of the WAC would meet one more time to consider a final letter, and a response from Windsor would be sought prior to being submitted to the governing bodies to determine acceptability.

B. Information on Current Water Rate Study

Mr. Harry reported that an update on the status of the current water rate study had been provided, which study had determined the class of use and what the revenue requirements would be for the next few years. The process was now considering recommendations and alternatives concerning rates and tiers so that by the April meeting a draft report on the water rate study, including the alternatives recommended, would be presented to the Board for consideration.

C. Information on Future Water Use Projections

A study had also been completed and would be presented at the next meeting for the water use projection rate of the analysis performed by Jack Weber, similar to the analysis that had last been done for the General Plan Amendment. That analysis showed that by 2025 the VOMWD uses would require a thousand-acre feet of additional entitlement for the VOMWD. The study was competent and had complimented Office Supervisor Walk and her staff for tracking the information.

D. Information on Proposition 50 Implementation Efforts

Mr. Harry stated that he had attended some of the implementation meetings related to Proposition 50. He commented that Director Woods had been approached to set up a meeting on March 26 in Sacramento and extensive lobbying efforts on behalf of the VOMWD had been proposed for that meeting. He noted that Assemblyman Canciamilla was being encouraged to support the VOMWD's efforts in that case.

President Prushko commended Mr. Harry for emphasizing the VOMWD's need for an additional allocation.

8. OLD/NEW BUSINESS

A. **Discuss/Direct Staff:** Preliminary 2003-2004 Capital Improvement Program

Mr. Harry sought input from the Board on the Capital Improvement Program (CIP). He noted the preliminary five year CIP, stated that the VOMWD had made great strides in the area of preventative maintenance and noted that the key issues were additional storage in the Glen Ellen area, additional groundwater production to carry through peak periods, as well as the continued replacement of undersized and deteriorated water mains and leaking Polybutylene pipes.

Mr. Harry advised that potential projects had been identified for 2003-04 through 2007-08. It was expected that the Trinity Oaks water main would be included in the 2007-08 range. While that main served only approximately 50 residents, a main extension was considered the best option to pursue at \$250,000.

Director Bramfitt referenced \$100,000 for equipment replacement this year versus \$30,000 on average, to which **Mr. Gradolph** stated that cost represented a new backhoe to replace a deteriorating backhoe.

Director Bramfitt inquired why there had been no escalation for inflation. He also sought an expeditious completion of the Polybutylene replacement project.

Director Woods noted that \$212,000 had been projected to be spent in 2002-03 and \$5 million over the next five years with half expected to be expended in 2003-04. He wanted to make certain that there was the ability and the time to complete the other projects totaling \$2.5 million during the 2003-04 timeframe.

In response, **Mr. Harry** explained that many of those projects had been pushed up because there was no anticipation that the projects would be completed in the current fiscal year. He stated that the \$1.039 million for the Glen Ellen tank might or might not get completed in the next fiscal year. Even though the pursuit of projects was not always accommodated during the reported time period, he stated that the funding was available and staff would do everything possible to get the items completed on time.

President Prushko did not see funds earmarked for more wells. He inquired whether or not another well could be added.

Mr. Harry explained that a site for an additional successful well had not yet been identified although he had information related to potential leasing of wells in future years. He stated that sites would continue to be pursued from a water quality and quantity perspective and could then be plugged into the CIP. He agreed that was an issue to be pursued.

In further response to President Prushko as to whether or not the CIP was addressing all of the VOMWD's weak links, **Mr. Harry** stated that all the weak links were being attacked. He noted the desire to secure another groundwater well strategically located mid-point within the VOMWD system or at the high end of the system in the Glen Ellen area. He added that there was information on a site in the Sobre Vista area that might be a potential lease opportunity for the VOMWD.

President Prushko adjourned into Closed Session at 7:18 P.M. and reiterated that the Board had added an additional item to Closed Session pursuant to Government Code Section 54956.9(c) to decide whether to initiate litigation for one case.

Director Woods clarified with staff that District Counsel would be counseling the Board by speakerphone.

9. CLOSED SESSION

- A. Conference with Real Property Negotiators Pursuant to Government Code Section 54956.8; Negotiate Price and Terms of Payment. Agency Negotiator: Lee J. Harry; Negotiating Parties: N/A. Proposed Tank Site 1475 Hill Road and District Declared Surplus Properties: APN 056-583-017, Alberca Road, and Proposed Well Site at Arnold Drive and Felder Road.
- B. Public Employee Performance Evaluation Pursuant to Government Code Section 54957 - General Manager
- C. Conference with District Counsel Pursuant to Government Code Section 54956.9(c) to determine whether to initiate litigation for one case.

10. RECONVENE IN OPEN SESSION

President Prushko returned to open session at 8:10 P.M. and reported that there had been no action with respect to Items 9A and 9B, although with respect to Item 9C, the following action had been taken:

Motion by **Director Woods**, seconded by **Director Bramfitt** to direct staff to instruct District Counsel to initiate litigation on one case. Pursuant to Section 5497.1(A)(2) of the Brown Act, this action, the defendants, and the other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effectuate any service of process on one or more unserved parties, or that to do so would jeopardize its ability to conclude existing settlement negotiations to its advantage. The motion carried by the following vote:

Ayes: Bramfitt, Smith, Woods, Prushko
Noes: None
Absent: Kenny

11. REQUEST FOR FUTURE AGENDA ITEMS

There was no request for future agenda items.

12. ADJOURNMENT

Motion by **Director Bramfitt**, seconded by **Director Smith** and carried unanimously to adjourn the meeting at 8:17 P.M. The next regular meeting is scheduled for April 1, 2003 at 6:30 P.M.

Shari Walk, Deputy Board Secretary