

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING AGENDA
April 15, 2003

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, April 15, 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:	Ed Kenny Sanford Smith Michael Woods Ron Prushko
Directors Excused:	Mark Bramfitt
Directors Absent:	None
District Personnel:	Shari Walk, Office Supervisor
General Manager:	Lee Harry
Board Secretary:	Shari Walk
Public Present:	Steve Perry, Eric Rothfeld, Win Smith, and Sandi Hansen, Sonoma Index-Tribune

2. PUBLIC COMMENTS

Eric Rothfeld, representing Michael Cornwall regarding property at 16120 ____ Hill, Glen Ellen, spoke to an issue that had been raised at the last meeting with respect to the request for water service of property that had been subdivided with the expectation of an out of service agreement with the VOMWD to provide water to the site. While he understood that there had been a change in law that would not now allow that to occur, he explained that the lot split had been based on assurances that water would be provided as conditioned by the County Permit Resources Management Department (PRMD). He also understood that the only avenue available at this point would be an annexation to the VOMWD.

Mr. Rothfeld explained that Mr. Cornwall was a quadriplegic and could not attend the meeting himself. He sought the help of the Board of Directors to resolve the situation.

General Manager Lee Harry described what had occurred to create the situation, why water was being provided to other lots in the area and why water could not be provided to the subject site through an out of service agreement given a 2000 amendment to Government Code Section 56133.

That section provided that a water agency could expand its water service outside its sphere of boundaries but only within its sphere of influence (SOI) on an out of service agreement with the intent of eventually annexing that area to the district. If outside the district boundaries and outside the SOI, an out of service agreement could only supply water if there was a public safety or health issue involved.

Mr. Harry explained that the Sonoma County Local Agency Formation Commission (LAFCO) had informed him that it was in the process of scheduling an SOI and a Municipal Service Review (MSR) as required by the new law. Given the issues exacerbating the situation, he explained that there was nothing that the VOMWD Board could do for Mr. Cornwall pending LAFCO's SOI review. He advised that District Counsel had verified that situation and had opined that while there had been an error, there was no violation of State law.

Mr. Rothfeld explained that he had been advised by LAFCO that the situation would be addressed potentially within the next year, which created a situation for Mr. Cornwall in that he had entered into a contract on the property and had been promised water service. He expressed his hope that there would be another avenue to pursue to avoid waiting a year to resolve the situation.

Win Smith, 1450 Hill Road, Glen Ellen, also questioned the VOMWD's boundaries and requested clarification as to whether or not Hill Road and environs in Glen Ellen were actually within the VOMWD's boundaries.

3. CONSENT CALENDAR

- A.** Receive and Approve Minutes of April 1, 2003
- B.** Approve Amendment No. 3 - General Manager's Employment Agreement

Motion by **Director Woods**, seconded by **Director Smith** and carried unanimously by a voice vote to adopt the Consent Calendar with an amendment to the last sentence in the seventh paragraph of the minutes of April 1, 2003, as follows:

That additional projection represented something in the area of 1,000-acre feet of additional demand.

4. PUBLIC PRESENTATION

There was no Public Presentation.

5. OPERATIONAL & COMMITTEE REPORTS

There were no Operational and Committee Reports.

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

There were no President and Directors Reports or Comments.

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

- A.** Report on WAC Meeting of April 3, 2003

General Manager Harry explained that the primary discussion at the Water Advisory Committee (WAC) meeting related to the Draft Water Resources Element of the Sonoma County General Plan. He noted that he had just received a copy of that document. He commented that there were several issues to be addressed as a result of that document.

B. Report on Status of Surplus Property Sales

Mr. Harry reported that with the close of escrow of the Heaven Hill property, the VOMWD had received \$683,642 to date from its surplus properties. The Alberca Road property, which had been sold for \$260,000, was the last property to close escrow.

C. Letter Sent to SCWA Requesting Additional Annual Water Entitlements

Mr. Harry advised that after sending the letter to the Sonoma County Water Agency (SCWA) requesting additional annual water entitlements, he had found a typo, had corrected the letter and had redistributed the document.

D. Draft Water Resources Element, Sonoma County General Plan

Mr. Harry described some of his concerns with the Draft Water Resources Element of the Sonoma County General Plan, explained that the public comment period had been closed, and reported that some of the policies in the document affected the VOMWD and other water contractors, particularly in the area of groundwater and conservation. He was hopeful that the issues could be addressed prior to the submittal of the document to the Planning Commission for recommendation to the Board of Supervisors for approval.

E. Preliminary Budget for LAFCO

Mr. Harry stated that the preliminary budget for LAFCO had been received with a reported fee increase this year to offset some negative balances elsewhere requiring a payment from the VOMWD of \$9,219, an increase over the current \$3,410 fee. He noted that did not account for the fact that special districts were receiving a one-time \$15,000 break on the fee.

F. Gas Break - Temelec Area

Mr. Harry reported that VOMWD staff had broken through a gas line in the Temelec area, which situation was being investigated.

8. OLD/NEW BUSINESS

A. Discuss/Direct Staff: Valley of the Moon Water District Proposed Rate Structure

Mr. Harry reported that Allan Highstreet, Vice President and Senior Economist of the firm of CH2MHill, was present to respond to any input from the Board on a proposed VOMWD rate structure. He sought that input from the Board to allow a final report and recommendation to be prepared and presented to the Board.

Director Woods advised that he was not in favor of zone rates.

President Prushko adjourned into Closed Session at 7:15 P.M.

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 Property Acquisition at Arnold Drive and Felder Road for a Well site.
- B.** Public Employee Performance Evaluation Pursuant to Government Code Section 54957 (b)(1) - General Manager

10. RECONVENE IN OPEN SESSION

President Prushko reconvened into open session at 7:28 P.M. and reported that no action had been taken in Closed Session.

11. REQUEST FOR FUTURE AGENDA ITEMS

The Board requested that the LAFCO issues be agendized for the next meeting.

12. ADJOURNMENT

Motion by **Director Woods**, seconded by **Director Smith** and carried unanimously to adjourn the meeting at 7:37 P.M. The next scheduled meeting is a Special Meeting on May 13, 2003 at 6:30 P.M.

Shari Walk, Deputy Board Secretary