

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING AGENDA
January 6, 2004

A Regular meeting of the Board of Directors of the Valley of the Moon Water District in Joint Session with the Valley of the Moon Water District Financing Corporation was held on Tuesday, January 6, 2004, 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 meetings to order at 6:30 P.M. Roll Call by **Deputy Secretary Shari Walk** noted the following present:

Directors Present:	Mark Bramfitt Ed Kenny Sanford Smith Michael Woods Ron Prushko
Directors Absent:	None
District Personnel:	Paul Gradolph, Operations and Maintenance Supervisor Shari Walk, Office Supervisor
General Manager:	Lee Harry
Board Secretary:	Shari Walk
Public Present:	Donald Modlin, Win Smith, Micki Cooke, Steve Perry, David Stollmeyer, Samatha Kyle and Family, and Sandi Hansen, Sonoma Index-Tribune

2. PUBLIC COMMENTS

David Stollmeyer addressed the board questioning why the recent inter-tie project with the Sonoma Developmental Center couldn't be used as a source for emergency purposes rather than the proposed Glen Ellen Tank. Comments attached.

Win Smith inquired whether or not the board had any information yet as to if he was considered in the District boundaries. Mr. Harry responded that LAFCO will be doing a municipal service review, and as that process will be identifying the boundaries. It is expected in the near future.

Donald Modlin of the Agua Caliente area is protesting the new water rate structure. He feels that he is being penalized because he has a large lot with a botanical garden. He asked for some relief from the Board. He also mentioned that his neighbor has a well that he considered asking if he could lease, but wanted to make

sure that it was not in violation of District policy. Mr. Harry said that as long as the well contained a backflow device, the District has no regulation preventing the use of the well. Mr. Harry also noted that there may be other ways to conserve and that staff would be happy to offer suggestions.

Director Bramfitt noted that this property could be a candidate for the ET controller devices.

3. CONSENT CALENDAR

- A. Receive and Approve Minutes of November 4, 2003 Regular Board Meeting
- B. Adopt Resolution No. 040101, Main Extension Agreement with Pine & Greger LP, by Dasun Homes, Inc. by David Reber, President, Project #2877 (Bonfini Subdivision)
- C. Adopt Resolution No. 040102, Accepting Closing papers, Main Extension with Cottonwood Sonoma LP, by Dasun Homes, Inc. by David Reber, President, Project #2873
- D. Cancel Regular Meeting of January 20, 2004.

Director Woods requested that Consent Calendar item A, the minutes of the November 4, 2003 meeting, be removed for discussion.

Motion by **Director Woods**, seconded by **Director Bramfitt** and carried unanimously by a voice vote to adopt Consent Calendar Items B, C and D, as shown.

Director Woods requested the following amendments to the minutes of the November 4, 2003 meeting.

To the fourth paragraph from the top on Page 5, remove the last sentence.

Director Woods suggested that an agenda item on the Board of Supervisors issue would be advisable when there was sufficient information to discuss. He otherwise stated that it would not be his intent to give up any sort of jurisdiction to the County that the County currently did not have. As an example, if the VOMWD voluntarily, obtained permits it was not required to obtain, that would be done with the understanding that it was voluntary only.

Motion by **Director Bramfitt**, seconded by **Director Smith**, and carried unanimously by a voice vote to approve the minutes of the November 4, 2003 meeting, as amended.

4. PUBLIC PRESENTATION

- A. Certificate of Appreciation to Samantha Kyle for her Support for Water Conservation

President Prushko introduced the item stating the importance of conservation and wise water use to help us continue to meet the needs of our customers. He stressed the importance of focusing on the youth to educate them on water conservation so that they can carry the message to their parents and on into adulthood. He said that the Valley of the Moon Water District contracts with the Sonoma County Water Agency in a school education program that includes an annual calendar contest. One of the winners of the 2004 calendar contest was Samantha Kyle, a third grade student at Dunbar Elementary School.

President Prushko presented Samantha Kyle with a framed certificate of commendation for her artwork selected as the January 2004 winning entry in the Sonoma County Water Agency's 2004 Water Conservation Calendar Contest.

Mr. Harry showed a slide of Samantha Kyle's artwork on the overhead projector for the board and audience.

Director Kenny told Samantha to show the plaque to all her friends at school.

5. OPERATIONAL & COMMITTEE REPORTS

A. Approve Current Financial Reports for October & November 2003

1. Approve Financial Reports for October 2003

Motion by **Director Bramfitt**, seconded by **Director Kenny** and carried unanimously by a roll call vote to receive and approve the monthly Financial Reports and Disbursements for the month of October 2003 in the amount of \$354,048.24

2. Approve Financial Reports for November 2003

Motion by **Director Woods**, seconded by **Director Smith** and carried unanimously by a roll call vote to receive and approve the monthly financial Reports and Disbursements for the month of November 2003 in the amount of \$260,671.69.

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 November and December 2003 and noted the following:

- Project #2875 – The primer coat has been applied to the exterior of the Donald Tank, and the contractor is waiting for drier and warmer weather to apply the final coat.

Mr. Gradolph also noted that all the two-way radios have been replaced in the vehicles which has enhanced the communications from vehicle to vehicle and from vehicle to base.

Mr. Gradolph announced the addition of a new field staff member, Andrew Romero.

C. Water Source Report

President Prushko asked if we shut off the pumps completely during this time of the year, to which Mr. Gradolph responded that Agua Caliente and Mountain Ave. were presently off and that we would be turning off and on pumps on a rotating basis through the winter months so as not to have them sit unused for long periods of time.

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

Director Smith reported that he had attended the ACWA/JPIA conference last month and provided a written summary of the seminars and meetings he attended to the board.

Director Bramfitt noted that he and Director Woods would be attending a joint meeting of the ad hoc committee with the City of Sonoma tomorrow morning.

Director Bramfitt also reported that supervisor Brown is hosting a water summit meeting on January 14,

2004 at the Veterans Building in Sonoma, beginning at 6:00 and ending at 9:00. A panel of representatives from the Sonoma County Water Agency (SCWA), the City of Sonoma, Valley of the Moon Water District, Ecology Center and Permits and Resource Management Department (PRMD) will be giving presentations. He noted that he would be attending as a representative for the Sonoma Valley Citizens Advisory Commission (SVCAC) at Ms. Brown's request and will not be there representing the District and encouraged all Directors to attend.

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

A. Information Regarding Additional Funds Authorized to the District through the Local Projects/Recycled Water/Tier 2 Water Conservation Program of SCWA

Mr. Harry reported that the Local Projects Committee met with the Water Advisory Committee (WAC) and approved an additional amount of \$183,486 for our local projects to be applied to a groundwater well in the southern portion of the District, bringing the total allocations to \$627,875 to be used for a production well.

B. Information Regarding Fall ACWA Conference

Mr. Harry reported that he also attended the ACWA/JPIA conference along with Director Smith and mentioned one topic of discussion was the Sacramento Bee investigation into the abuse among special districts, primarily water districts. He noted that there is not a problem with the VOMWD procedures, but indicated the need to update the board by-laws and that staff will be bringing that to a future board meeting for action.

He also noted that he attended some interesting sessions at ACWA, and that the election for the vice-president resulted in the nominating committee's choice being elected in a close vote.

C. Information Regarding the Draft Restructured Master Water Agreement

Mr. Harry handed out two large documents regarding the draft restructured master water agreement, and noted that what the SCWA has developed is far beyond what the prime contractors thought would be developed. The belief was to suspend discussion of the restructured amended 11th agreement, with the exception of a few items. Those items included conservation, governance and adding Windsor as a prime contractor and deleting Forestville. What has been proposed will not be acceptable with the contractors. A meeting had been scheduled for January 26 to continue to negotiate the draft restructured master water agreement.

D. Information Regarding New Proposed LAFCO Fees

Mr. Harry reported that we received some good news from LAFCO, regarding the distribution of the fees due each year. Originally, the fee structure was to be 1/3 from the Cities, 1/3 from the County and 1/3 from Special Districts. That has now been proposed to be 40%, 40% and 20% respectfully, which will reduce our contribution significantly. The Board will be informed, as new information is received.

E. Information Regarding New Water Rate Survey for Prime Contractors to SCWA

Mr. Harry handed out the results of a survey done by one of the WAC consultants, showing the comparison of the annual cost of retail water service charged by Cities and Special Districts of a typical single family water bill. As you can see, VOMWD is right in line with the other contractors, and the survey does include our new tiered structure that took effect January 1, 2004.

F. Information Regarding Upcoming Water Summit Meeting January 14, 2004

Mr. Harry stated that he has been asked as one of the panelist to give a presentation, and will be speaking, primarily on our water conservation efforts, but will also include information on the Urban Water Management Plan and our allocation. He also noted that Robert Freeland will be in charge of one of the booths at the meeting, which will feature information on the 14 Best Management Practices (BMP's), along with low flow showerheads and aerators.

Mr. Harry also reported that the District received a request from the Sonoma Unified School District asking the District to Quitclaim to them a small 25' by 25' parcel located at Altimira School, so that they can proceed with the construction of a charter school. The parcel, which contains the Belair Well, was tested for water quality several years ago during an attempt to refurbish that well, with unfavorable results. Without this 25' by 25' piece of property, the School District will have to look for another location, due to the fact that it sits right in the middle of the building site. Mr. Harry said he will be working with the attorney to draft a hold harmless agreement and bring this item back to the board at the February meeting for approval.

Director Kenny spoke in favor of it, saying this will make a lot of people very happy.

Director Woods asked that we check the requirements with our attorney regarding if this can be treated as a negotiated sale of District property, or does it need to be declared surplus property, or do we need to offer it to other public agencies. Mr. Harry said that he has checked with our attorneys, and given the small size of the parcel and that it would be going to a public agency, it was okay, however he will verify it again.

Mr. Harry presented a letter of commendation, received from Richard Swillinger, to the pipeline crew for their work on the Sobre Vista Main Replacement Project, with specific acknowledgement to Larry Carniglia.

8. OLD/NEW BUSINESS

A. Discuss/Appoint: President, Vice President, Secretary, and Deputy Secretary

President Prushko nominated Michael Woods for President. There were no further nominations and the nominations were closed.

On the nomination of Michael Woods for President, *Michael Woods* was unanimously selected as the President of the Board of Directors of the Valley of the Moon Water District.

The gavel was turned over to newly elected President Woods, to complete the agenda.

Director Bramfitt nominated Sanford Smith as Vice President. There were no further nominations and the nominations were closed.

On the nomination of Sanford Smith for Vice President, *Sanford Smith* was unanimously selected as the Vice President of the Board of Directors of the Valley of the Moon Water District.

On motion by **Director Kenny**, seconded by **Director Bramfitt** and carried unanimously to designate Lee Harry as the Secretary and Shari Walk as the Deputy Secretary to the Valley of the Moon Water District Board of Directors.

Director Bramfitt thanked Ron Prushko for his work as board president over the past year.

On behalf of staff, **Mr. Harry** commended Ron Prushko for always being available to take care of staff needs.

The Board moved to the Valley of the Moon Water District Financing Corporation at this time to complete that agenda.

- B. Discuss/Approve:** Task Order #04-2878-01 in an amount not to exceed \$39,300 to the firm of Brelje & Race for Engineering Services for a Water Main Project Located on Arnold Drive, Horn Avenue, Garric Avenue, Hill Drive, and Mound Avenue
Task Order #04-2879-01 in an amount not to exceed \$31,000 to the firm of Brelje & Race for Engineering Services for a Water Main Project Located on Loma Vista Drive

Mr. Harry reported that staff requested proposals from three engineering firms for design services on two water main replacement projects, both in the current fiscal year Capital Improvement Program (CIP). Proposals were received and analyzed for technical merit by Paul Gradolph and myself. We believe that the firm of Brelje & Race Engineers, in our estimate, presented the best proposal, along with the lowest cost and after discussions with the principals, we are confident that they will do a good job for us.

Director Kenny suggested that staff pay close attention to their invoices, since in the past they have gone over their proposal. In response to his question, the General Manager explained the difference between a time and materials not to exceed a fixed amount and a lump sum contract.

Motion by **Director Bramfitt**, second by **Director Smith** and carried unanimously by a roll call vote to award Task Order #04-2878-01 to the firm of Brelje and Race in an amount not to exceed \$39,300 to perform engineering and construction services for Project 2878.

Motion by **Director Bramfitt**, seconded by **Director Smith** and carried unanimously by a roll call vote to award Task Order #04-2879-01 to the firm of Brelje and Race in an amount not to exceed \$31,000 to perform engineering and construction services for Project 2879.

- C. Discuss/Adopt:** Resolution No. 040103, Clarifying Residential Units to be included in new Tiered Water Rate Structure.

General Manager Harry informed the Board that staff is recommending approval of a Resolution defining a single family residence for the purpose of the new tiered rate structure to be any property served by a single meter that has three or less dwelling units.

The Board discussed this issue, with **Director Bramfitt** stating that he supported having all dwelling units be individually metered. General Manager responded that it would be possible; however the cost would be prohibitive. **Director Prushko** indicated that he felt that the future growth in the District may be limited to granny units and that he wouldn't support the staff recommendation.

Motion by **Director Smith**, seconded by **Director Bramfitt**, and carried by 4 ayes and 1 nay (Director Prushko) to adopt Resolution No. 040103 and authorize the President to sign it.

- D. Discuss/Approve:** Design of New Customer's Bill

General Manager Harry explained the status of developing the new bill in time for its first mailing in March. He directed the Board's attention to the sample bill in their packet, noted that some minor editing was being made, and received consensus from the Board to proceed. The next step will be to have our programmers redo the software to accommodate the new bill.

President Woods took a recess at 7:45 P.M. and adjourned into Closed Session at 7:52 P.M.

9. CLOSED SESSION

- A. Conference with Legal Counsel Pursuant to Government Code Section 54956.9, Subsection C, Anticipation of Initiation of Litigation (1 Potential Case)
- B. To consider the Appointment and/or Employment of a Public Employee, new General Manage pursuant to Government Code Section 54957(b)(1).
- C. Conference with labor Negotiator Pursuant to Government code Section 54957.6; Agency Negotiator: General Manager Lee Harry; Negotiating Parties: International Union of Operating Engineers, Stationary Local 39 AFL-CIO.

10. RECONVENE TO OPEN SESSION

President Woods reconvened in open session at 8:54 P.M. and reported that there had been no action with respect to Items 9B and 9C, although with respect to Item 9A, the following action had been taken:

The Board gave approval to Legal Counsel to initiate an action. The action, the defendants, and other particulars shall, once formally commenced, be disclosed to any person upon inquiry, unless to do so would jeopardize the agency's ability to effect 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.

11. REQUEST FOR FUTURE AGENDA ITEMS

Vice President Smith requested that the existing by-laws of the District be placed on the agenda for the purpose of updating or revising certain sections with emphasis on reimbursement of Director's expenses.

General Manager Harry stated that this item will be placed on the March 2nd agenda.

12. ADJOURNMENT

Motion by **Director Kenny**, seconded by **Director Smith** and carried unanimously to adjourn the meeting at 9:00 P.M. The next regular meeting is scheduled for February 3, 2004 at 6:30 P.M.

Shari Walk, Deputy Board Secretary

**VALLEY OF THE MOON WATER DISTRICT
FINANCING CORPORATION
REGULAR MEETING AGENDA
January 6, 2004**

A Regular meeting of the Board of Directors of the Valley of the Moon Water District Financing Corporation was held on Tuesday, January 6, 2004, 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 Ed Kenny Sanford Smith Michael Woods Ron Prushko
Directors Absent:	None
District Personnel:	Paul Gradolph, Operations and Maintenance Supervisor Shari Walk, Office Supervisor
General Manager:	Lee Harry
Board Secretary:	Shari Walk
Public Present:	Donald Modlin, Win Smith, Micki Cooke, Steve Perry, David Stollmeyer, Samatha Kyle and Family, and Sandi Hansen, Sonoma Index-Tribune

2. PUBLIC COMMENTS

There were no comments from the public.

3. CONSENT CALENDAR

A. Receive and Approve Minutes of January 7, 2003 Regular Meeting

Motion by **Director Bramitt**, seconded by **Director Prushko** and carried by a voice vote to adopt the Consent Calendar, as shown.

4. **OLD/NEW BUSINESS**

- A. Elect President and Vice President, Appoint Secretary and Assistant Secretary, and Set Meeting Schedule for Calendar Year 2004

Motion by **Director Bramfitt**, seconded by **Director Kenny** to select the same officers as had been selected by the Board of Directors of the Valley of the Moon Water District to serve as President, Vice President, Secretary and Assistant Secretary. By a unanimous voice vote, **Michael Woods** was unanimously elected as President, **Sanford Smith** as Vice President, **Lee Harry** as the Secretary-Treasurer to the Board of Directors, and **Shari Walk** as the Assistant Secretary to the Board of Directors of the Valley of the Moon Water District Financing Corporation.

5. **ADJOURNMENT**

President Woods adjourned the meeting by acclamation at 7:18 p.m. to the next regular Board of Directors of the Valley of the Moon Water District Financing Corporation meeting on January 4, 2005 at 6:30 P.M.

Shari Walk, Assistant Secretary