

**VALLEY OF THE MOON WATER DISTRICT**  
REGULAR MEETING AGENDA  
February 3, 2004

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, February 3, 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 Woods** 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 Ron Prushko Sanford Smith Michael Woods
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:	Ken Borba, Lee Chocolas, Krishna Kumar, Steve Perry, Barbara Roy, Win Smith

**2. PUBLIC COMMENTS**

**Barbara Roy** commented that the VOMWD Board of Directors had told the media and people attending its meetings and it had been widely reported by the Press Democrat, the Sonoma Index Tribune and the Kenwood Press that the intent of the Glen Ellen Water Tank project was to provide water in emergency situations and that a tie-in agreement with the Sonoma Development Center, particularly with the use of a booster pump, would satisfy that emergency demand. Given the current economy and the impacts to the local community, she suggested that to further burden the community with the Glen Ellen Water Tank project would not be prudent when a less costly viable alternative existed. She therefore urged the Board to put as much effort into the tie-in solution as it had in promoting the tank.

**General Manager Lee Harry** stated, when asked by the Chair, that he would provide a response to Ms. Roy that would address her concerns.

3. **CONSENT CALENDAR**

- A. Receive and Approve Minutes of January 6, 2004
- B. Declare Case Backhoe and Attachment as Surplus Equipment
- C. Cancel Regular Meeting of February 17, 2004

Motion by **Director Bramfitt**, seconded by **Director Kenny** and carried unanimously by a voice vote to adopt the Consent Calendar, as shown.

4. **PUBLIC PRESENTATION**

Krishna Kumar, Administrative Services Manager of the Sonoma County Water Agency (SCWA) – Presentation Regarding the Proposed 2004 SCWA Budget and Proposed Water Delivery Charges for Fiscal Year 2004-2005

**General Manager Harry** advised that Mr. Kumar had offered an overview of next year's SCWA Budget at the last Water Advisory Committee (WAC) meeting and had offered to give the same presentation to the governing bodies of the respective agencies of that Committee.

**Krishna Kumar**, Administrative Services Manager and Chief Fiscal Officer of the Sonoma County Water Agency took this opportunity to note in response to Mr. Harry's impending retirement that Mr. Harry was a highly regarded and respected colleague and member of the WAC and that he would be missed.

**Mr. Kumar** offered a condensed presentation of what had been provided to the WAC to identify historical water deliveries from the SCWA, the SCWA's O&M Fund, the water conservation and recycled water program, SCWA's capital facilities in the storage, pipeline and common facilities funds, along with an estimated ending fund balance for the SCWA.

**Mr. Kumar** offered information on the total annual deliveries by the SCWA for the last three fiscal years and noted that eight of the prime contractors of the SCWA had been allotted approximately 50,000-acre feet of water in 2002-03, which represented a reduction from the previous year. He offered the particulars of the usage of each prime contractor and described the reductions involved. He identified the proposed water rates for 2004-05 and explained that the VOMWD's rate would be increased 1.8 percent over that period.

**Mr. Kumar** also described the components associated with the rate charges for the VOMWD and the other prime contractors, the proposed expenditures for the budget period, as well as the proposed revenues. He reported that prime contractors, including the VOMWD, accounted for 66.3 percent of the SCWA's total revenues. The maintenance projects proposed for the next fiscal year were described, the \$15 million water conservation program and the \$13 million Recycled Water Tier 2 Local Supply Funding 10-year program and the allocation of those funds was identified, and the debt service funds and other components of the budget were presented.

In response to **President Woods** as to whether or not the price per acre foot for the different areas served by aqueducts was the same for each of the contractors served, **Mr. Kumar** explained that all customers drawing out of a particular aqueduct would pay the same charges, with the exception of the North Marin Municipal Water District because their contractual agreement was slightly different.

**Mr. Harry** stated that a 1.8 percent increase to the VOMWD in the wholesale water rates from the SCWA would equate to approximately a half percent increase to water bills if that increase was passed on to the

customers. He commended the SCWA for keeping the increase low. He clarified, when asked, that the SCWA rates represented about one third of the VOMWD's budget.

## 5. OPERATIONAL & COMMITTEE REPORTS

### A. Approve Current Financial Reports for December 2003

**Office Supervisor Shari Walk** pointed out that the interest rate for the Sonoma County fund was 2.256 percent while the Local Agency Investment Fund (LAIF) was 1.56 percent, that equated to \$4,000 in additional revenue from the Sonoma County fund compared with the LAIF

Motion by **Director Bramfitt**, seconded by **Director Prushko** and carried unanimously by a roll call vote to approve the monthly Financial Reports & Disbursements for the month of December 2003 in the amount of \$235,848.44.

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

**Operations and Maintenance Supervisor Paul Gradolph** presented his summary review of current District projects and significant operations and maintenance issues for January 2003 related to the following:

- **Project #2855 - Glen Ellen Storage Tank:** The VOMWD had received a favorable judgment regarding the lawsuit contesting the Mitigated Negative Declaration California Environmental Quality Act (CEQA) action and would be determining the steps necessary to proceed with the project;
- **Project #2865 - Future Production Well at Arnold Drive and Felder Road:** Action on the Initial Study and proposed Negative Declaration had been tabled pending the results of additional studies;
- **Project #2875 - Donald and Hanna Storage Tank Painting:** The project had been completed and the contractor was currently cleaning up the site and equipment.
- **Project #2878 - Arnold Drive, Horn Avenue, Garric Avenue, Hill Drive and Mound Avenue and**
- **Project #2879 - Loma Vista Drive:** Main line replacement projects were currently being surveyed by the VOMWD Consulting Engineers Brelje and Race and 50 percent drawings were being prepared.
- **Main Line Leak on Arnold Drive South of Madrone Road:** The repairs to the main line leak were complicated by an earthen mound placed over the water main by a property owner to create a sound barrier, which required extensive excavation. Staff was currently working with Sonoma County to determine whether or not the work had been permitted and to ensure that the problem was eliminated in the future given that the situation might have had something to do with the main break.

**Mr. Harry** reported that he had signed the standard plan revisions from Boyle Engineering regarding mapping, which project was near completion and which would result in an updated map for the Board Chambers.

### C. Water Source Report

There were no comments on the Water Source Report submitted to the Board.

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

**Director Kenny** commended the General Manager for his well-done presentation at the Sonoma Valley Water Summit Meeting.

**Director Bramfitt** reported that the Ad Hoc Committee meeting with the City of Sonoma had included meetings with Mayor Joe Costello, Councilmember Ashford, City Manager Mike Fuson and Al Bandur, as well as Mr. Harry to discuss preparations for the Water Forum which had gone well. The meeting included discussions of the negotiations related to the new Memorandum of Understanding (MOU) and the annual entitlement. There was a desire to enlist the support of the County Supervisor in those discussions. To do that, the County Supervisor would be invited to attend the Ad Hoc meetings so that the issues could be clearly identified.

**President Woods** added that the discussions had included different alternatives for a possible recycled water project and the alignment to be used. He noted that the subcommittee members had agreed that the Arnold Drive configuration would make more sense.

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

### **A. Report of WAC Negotiating Meeting of January 26, 2004**

**Mr. Harry** reported on the Water Advisory Committee (WAC) meeting of January 26, 2004 when some major issues had been presented regarding the discussion of the extension of the period of impairment for the Memorandum of Temporary Impairment. Some members of the WAC wanted to stop negotiations on the main agreement and focus on the impairment review. He stated that the General Manager of the SCWA was unwilling to do that because of all the time that had been spent to date to negotiate a new Master Agreement. A motion had been made and adopted to create a committee of all of the representatives of the contractors to meet to negotiate the Temporary Impairment MOU and to continue with negotiations for the Master Agreement with a July 2004 deadline. Major issues remained on the SCWA proposal that would represent significant expenditures to VOMWD customers. VOMWD staff was working hard to address those concerns.

### **B. Report of Regular WAC Meeting of February 2, 2004**

**Mr. Harry** reiterated that Mr. Kumar had made a presentation of the SCWA budget at the February 2 WAC meeting. He stated that recommendations would be made at the next meeting to recommend approval of the budget, as presented.. He would support the budget, as presented, unless otherwise directed by the VOMWD Board. He highlighted the other items discussed by the WAC at that meeting.

### **C. Status of Proposition 50 Implementation and Bond Coalition**

**Mr. Harry** advised that Senate Bill 21, the Implementation Bill from Senator Machado had not been adopted. Noting that the VOMWD was part of the North Coast Region of the coalition, he stated that a technical committee had been formed to work on the development of an Integrated Resource Water Management Plan under the direction from the Russian River Watershed Association to discuss the process for writing the plan and to revise the project summary to identify the opportunities under the project that had previously been identified under Prop 50 funding. He emphasized that the VOMWD needed to remain active to protect the retention of its projects.

**Mr. Harry** identified a request from Randy Poole of the SCWA inviting him and any VOMWD

Boardmember who would like to participate in a trip to Washington, D.C. in February to assist in lobbying efforts on the Endangered Species Act and the operations and funding of federal dams, as well as potentially some Potter Valley issues. He commented that would leave the VOMWD little time to plan since the trip had been scheduled from February 22 to 26. While it would not be appropriate for him to participate given his short tenure with the VOMWD, interested Boardmembers were encouraged to immediately advise staff of an interest to attend to allow the appropriate arrangements to be made.

**President Woods** verified that there were funds in the budget for that expenditure if there was a desire for a member of the Board to participate in that effort.

**Mr. Harry** also commented that due to some storm damage at his vacant home in Oregon, he would be taking three days of leave to address the problem.

**Mr. Harry** further reported that the Sonoma Local Agency Formation Commission (LAFCO) had notified the VOMWD that there were upcoming vacancies for the special district representation on the Commission. While the VOMWD would only be eligible as an Alternate, he requested that any interested VOMWD Boardmembers identify any interest in applying for that position.

## **8. OLD/NEW BUSINESS**

- A. Discuss/Adopt:** Resolution No. 040201, Authorizing Quitclaim Deed to the Sonoma Valley Unified School District

**Mr. Harry** reported that the Sonoma Valley Unified School District (SVUSD) had contacted the VOMWD regarding the construction of a new charter school at the Altimira Middle School since the VOMWD owned a portion of the property where a now abandoned well had been located. Given that the renovation of the well was not possible and the property had no value to the VOMWD, a Quitclaim Deed to the 25-foot by 25-foot parcel where the well was located and the associated easements had been requested. He commented that the proposal was a valuable resource for the community and he recommended that the school be allowed to have the property.

**Director Kenny** commented that even though the SVUSD had sought the Quitclaim Deed to allow the use of the property, he noted that the SVUSD was not unanimously in favor of attaining that property.

**Mr. Harry** explained that the SVUSD had formally requested the property, in writing, and he could see no valid reason not to comply with their request.

Motion by **Director Bramfitt**, seconded by **Director Smith** and carried unanimously by a roll call vote to adopt Resolution No. 040201 authorizing a Quitclaim Deed to Sonoma Valley Unified School District.

**President Woods** declared a recess at 7:25 P.M. prior to convening into Closed Session at 7:30 P.M.

## **9. CLOSED SESSION**

- A.** Conference with Legal Counsel pursuant to Government Code Section 54956.9, Subsection C, Anticipation of Initiation of Litigation (2 Potential Cases).
- B.** Conference with Legal Counsel on Existing Litigation (under Government Code Section

54956.9(a) Petitioners - Cooke, Smith, and Perry - Sonoma County Superior Court Case No. 232354.

- C. To Consider the Appointment and/or Employment of a Public Employee, New General Manager Pursuant to Government Code Section 54957(b)(1).
- D. 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 IN OPEN SESSION**

**President Woods** reconvened into open session at 8:07 P.M. and reported with respect to Item 9.A that the Board had directed staff to take all steps required to schedule a hearing on possible adoption of a Resolution of Necessity to acquire a portion of the property at 1475 Hill Road, APN 054-040-014, Glen Ellen, Sonoma County, California.

**11. REQUEST FOR FUTURE AGENDA ITEMS**

There was no request for future agenda items.

**12. ADJOURNMENT**

Motion by **Director Kenny** seconded by **Director Prushko** and carried unanimously to adjourn the meeting at 8:11P.M. The next scheduled meeting is a Regular Meeting on March 2, 2004 at 6:30 P.M.

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Shari Walk, Deputy Board Secretary