

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING MINUTES
September 7, 2004

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, September 7, 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 Michael Woods called the meeting to order at 6:30 P.M. and led the Pledge of Allegiance. Roll Call by **Deputy Secretary Shari Walk** noted the following present:

Directors Present:	Mark Bramfitt Ron Prushko Sanford Smith Michael Woods
Directors Excused:	Ed Kenny
District Personnel:	Shari Walk, Office Supervisor Paul Gradolph, Operations and Maintenance Supervisor
General Manager:	Krishna Kumar
Board Secretary:	Shari Walk
Public Present:	Steve Perry, Win Smith, Sandi Hansen, Sonoma Index-Tribune

2. PUBLIC COMMENTS

There were no public comments.

3. CONSENT CALENDAR

- A.** Receive and Approve Minutes of Regular Meeting of August 3, 2004
- B.** Adopt Resolutions
 - 1. No. 040901, Accepting Project Closing Documents: Fire Hydrant Installation Agreement, Project #2881
 - 2. No. 040902, Approving Water Facilities Agreement with Sonoma Golf Club, Project #2888
- C.** Approve Recommended District Goals
- D.** Cancel Regular Meeting of September 21, 2004

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

4. **PUBLIC PRESENTATION**

There was no public presentation.

5. **OPERATIONAL & COMMITTEE REPORTS**

A. Approve Current Financial Reports for July 2004

Office Supervisor Shari Walk advised that this was the first month of the new fiscal year. She highlighted the report and advised that the auditor would be present at the next meeting to present the audit report for the last fiscal year.

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 July 2004 in the amount of \$270,711.44.

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

Operations and Maintenance Supervisor Paul Gradolph presented the summary review of current District projects and significant operations and maintenance issues for August 2004, as follows:

- **Project #2855 - Glen Ellen Storage Tank:** The review of the 30 percent design drawings were nearing completion and would be submitted to Winzler & Kelly. The project would be bid in early 2005.
- **Project #2865 - Future Production Well at Arnold Drive and Felder Road:** The project had been placed on hold pending investigation of an alternative well site at Gillman and Arnold Drives.
- **Project #2878 - Arnold Drive, Horn Avenue, Garric Avenue, Hill Drive and Mound Avenue:** The projects were in progress with Mound and Garric Avenues nearing completion. Positive feedback from customers had been received.
- **Project #2879 - Loma Vista Drive:** The project was also nearing completion and there was positive feedback from customers.

Mr. Gradolph reported that he and the General Manager had met with the representatives of the County of Sonoma Transportation and Public Works Department to discuss the overlay costs that were included in the encroachment permit issued by the County of Sonoma for the Loma Vista Drive project. He commented that successful negotiations had resulted in the District saving approximately \$30,000 on this project.

C. Water Source Report

General Manager Krishna Kumar reported that an additional line-item had been added to the report to identify the fiscal year cumulative water production, in acre foot. The current report included that information for the first month of the new fiscal year. The line-item would reflect the cumulative total as the fiscal year progressed. He added that VOMWD has used Water Agency deliveries of 3.75 million gallons a day (mgd) for the month of August, and 3.78 mgd for July; both being well under the 4.8 mgd allocated to the VOMWD for each of the four summer months.

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

Director Prushko verified with Mr. Kumar that there had been two complaints to the VOMWD on the new water rates from customers with multiple units.

President Woods took this opportunity to congratulate the three Directors who had been reelected to the Board unopposed.

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

A. Report of WAC Negotiating Meeting of August 23, 2004

General Manager Kumar highlighted the Water Advisory Committee (WAC) meeting of August 23, 2004 and noted with respect to Draft 4 of the Proposed Restructured Agreement for Water Supply and Draft 4 of the Proposed Temporary Impairment Memorandum of Understanding (MOU) Extension, that the City Councils and Boards of most WAC members were still reviewing the documents. He noted that the City of Santa Rosa had introduced draft language for Section 3.5 of the Restructured Agreement related to the allocation of water during periods of shortage. The proposed language did not include a specific methodology for allocation. The proposed language mentioned the need for the Sonoma County Water Agency (SCWA) to take into account the effects of demand hardening when a specific methodology was identified at the time of actual allocation. The language acknowledged the fact that the actual methodology would ultimately rest with the SCWA and not the WAC, which language was consistent with the Eleventh Amended Agreement.

Director Prushko wanted to take a stand on that issue given his opinion that growth in Santa Rosa was out of control.

President Woods verified with Mr. Kumar that the item would be returned to the VOMWD Board in the future.

In response to Director Prushko, **Mr. Kumar** stated that he could research the allocation methodology used in 1977/78 during the last severe drought and how that methodology had affected the VOMWD.

As to the definition of "demand hardening" in response to Director Smith, **Mr. Kumar** stated that he would verify the concept of demand hardening.

Mr. Kumar further reported that the SCWA was planning a workshop on water supply related matters for its Board of Directors on November 1, at which time a policy document related to Section 3.5 might be introduced. He advised that District Counsel Bob Maddow was in the process of evaluating the draft Restructured Agreement and the Temporary Impairment MOU and would submit his comments to the Board on a future agenda.

B. Report on the Meeting Scheduled for September 13, 2004 Seeking Public Input Regarding Landscaping and Partial Screening of the Proposed Glen Ellen Storage Tank

Mr. Kumar stated that the VOMWD Board had directed staff to seek public input regarding landscaping and partial screening of the proposed Glen Ellen Storage Tank. To that end, a meeting had been scheduled on September 13, 2004 at 5:30 P.M. in the vicinity of the proposed site at 1475 Hill Road, Glen Ellen. Tony Cinquini from Winzler & Kelly and the project landscape architect would attend that meeting. Public input and comments from that meeting would be submitted to the Board for its consideration.

Mr. Kumar added that Mr. Cinquini planned to place story poles at the site to identify the height and size of the proposed tank. He thanked Director Smith who had offered a portion of his property on Hill Road for use as a staging area to avoid congestion on Hill Road during the construction of the tank. He also thanked Win Smith and Steve Perry for suggesting an evening meeting to allow more Hill Road residents to attend the meeting.

President Woods clarified that the meeting had not been agendized as a general Board meeting and as such a majority of Boardmembers would not be able to attend that workshop. In that discussion, he advised that he did not plan to attend that meeting.

Directors Prushko and Smith, who lived in the neighborhood, both planned to attend that meeting. **Director Smith** clarified that since he was compelled to recuse himself on the issue, his attendance should not relate to a quorum. He noted his understanding that Director Kenny also planned to attend the meeting.

On the discussion of the question as to whether or not there would be a violation of the Brown Act if those members of the Board were to attend that meeting; **President Woods** clarified his understanding that the design engineer and staff would be presenting the comments and the plans to the Board after the meeting. As such, designating that meeting as an actual Board meeting was not necessary.

From the audience, **Steve Perry** commented that the session had been noticed in the local newspaper as a second meeting of the Board.

To avoid any conflict with the Brown Act and if a quorum of members planned to attend the meeting, staff was directed to agendize the session as a regular meeting.

Director Prushko reported that he would be absent at the regular Board meeting scheduled for October 5, 2004.

On another matter, **Mr. Kumar** reported that the SCWA had indicated that the current hot weather was stressing the SCWA's transmission system. Considerable storage had been lost during the weekend. The County's power supply had also been compromised because of a fire in the area and precautionary measures had been taken to avoid brown outs. He added that the VOMWD was operating all of its wells and was carefully monitoring its storage levels which were holding up well. He further reported that the City of Santa Rosa, the largest user of Russian River water supplies was conducting studies on activating two of its wells and if the two wells were to be activated, it would relieve the pressure on the SCWA's transmission system.

Director Bramfitt verified with Mr. Gradolph that as of this date the City of Sonoma was also running all of its wells.

Mr. Kumar also reported that he had spent August 30 in the field with the VOMWD crew when he had an opportunity to experience firsthand VOMWD field operations. He thanked Mr. Gradolph and the entire field staff for that opportunity.

Further, **Mr. Kumar** advised that the 2004 Association of California Water Agencies (ACWA) Conference would be held in Palm Springs from November 30 to December 3 and that he planned to attend that conference. Boardmembers interested in attending the conference were encouraged to let staff know prior to the pre-registration deadline on November 4, 2004.

8. OLD/NEW BUSINESS

- A. **Discuss/Adopt:** Resolution No. 040903 Approving the Amendment of the Agreement with the Forestville Water District Regarding Emergency Assistance for Water Supply

Mr. Kumar stated that the current agreement with the Forestville Water District would expire on November 17, 2004. The agreement had been extended by Forestville Water District to November 17, 2009 under the same terms and conditions as the original five year agreement.

Motion by **Director Prushko**, seconded by **Director Bramfitt** and carried unanimously by a roll call vote to adopt Resolution No. 040903 approving the Amendment to the Agreement with the Forestville Water District Regarding Emergency Assistance for Water Supply, and authorize the President to sign the Amendment.

- B. **Discuss/Approve:** Agreement with ConserVision to Conduct Residential Water Use Surveys to Comply with the District's BMP1 Requirement

Mr. Kumar pointed out a correction on Page 2 of the proposed contract, Item 4, Prosecution of Work which should have stipulated that the services under the agreement shall be completed by October 1, 2005, not October 1, 2003, as shown.

Mr. Kumar stated that the VOMWD had made progress in implementing most of the Best Management Practices (BMPs), although BMP 1 and BMP 5 remained to be implemented. He explained that BMP1 involved developing and implementing a strategy targeting and marketing water use surveys to single and multi-family residential customers. ConserVision was providing the same services to North Marin Water District and the cities of Petaluma and Rohnert Park, among others. The estimated cost to complete the service was \$30,000. He proposed completing water use surveys for 3 percent of the District's residential customers out of a total of 15 percent required over a ten year period which would allow the VOMWD to catch up to where it should be over that period. The \$30,000 would be entirely reimbursed by the SCWA under the amount allocated to the VOMWD for water conservation programs. He recommended the approval of the agreement not to exceed \$30,000.

Director Smith verified with Mr. Kumar that this would represent the first stage of an ongoing program.

Mr. Kumar advised that the expenditures to be incurred in the following years would also be reimbursed by the SCWA. The intent was to send out invitations to 20 percent of VOMWD residential customers. No specific targets had been identified to date.

Motion by **Director Smith**, seconded by **Director Bramfitt** and carried unanimously by a roll call vote to approve the Agreement between the Valley of the Moon Water District and ConserVision to conduct residential water use surveys in the amount not to exceed \$30,000 and authorize the General Manager to execute the Agreement.

- C. **Discuss/Approve:** Task Order #04-2884-01 in the Amount Not-to-exceed \$6,160 to Winzler & Kelly for Preparing an Emergency Response Plan as Part of the District's Vulnerability Assessment

Mr. Kumar noted that Winzler & Kelly had completed the VOMWD's Vulnerability Assessment in June 2004 and had submitted it to the Environmental Protection Agency (EPA) as required. The VOMWD was required to prepare an Emergency Response Plan to incorporate the results of the Vulnerability Assessment no later than December 2004. Winzler & Kelly had submitted a bid to perform the required work. He recommended the approval of the task order in an amount not to exceed \$6,160 to perform the necessary work.

Director Smith expressed his displeasure with the requirement. He asked how much money was the District obligated to spend to fulfill the terms of the Anti-Terrorism Act. He objected to the cost imposed by Washington on VOMWD ratepayers.

Mr. Kumar reported that the cost of the Vulnerability Assessment to date, including the subject task order, would be \$31,160.

Director Bramfitt concurred with the concerns but commented that the assessment had identified some items that should have been done, which was good. He too was concerned with the bureaucratic costs and questioned whether or not additional funds would be required on an annual basis.

Mr. Kumar stated that Mr. Gradolph had found that the bulk of the Emergency Response Plan requirements overlapped the District's existing Emergency Operations Plan. Staff was discussing if there were ways to combine both the documents.

Motion by **Director Bramfitt**, seconded by **Director Prushko** and carried unanimously by a roll call vote to approve Task Order Number 04-2884-01 in an amount not to exceed \$6,160 to perform all work necessary to prepare the District's Emergency Response Plan no later than December 28, 2004.

D. **Discuss/Approve:** Funds in the Amount Not-to-exceed \$10,000 for the Purchase of a New Copier

Mr. Kumar stated that the existing office copier was seven years old and had exceeded its useful life. The VOMWD would be purchasing the item under the California Municipal Award Schedules (CMAS) which assured a pre-negotiated price. He thanked Shari Walk and VOMWD staff for doing a thorough job of investigating the copying needs of the VOMWD.

Motion by **Director Prushko**, seconded by **Director Smith** and carried unanimously by a roll call vote to approve the purchase of a new copier for the District in the amount not-to-exceed \$10,000.

9. CLOSED SESSION

There was no Closed Session.

10. RECONVENE IN OPEN SESSION

There was no Closed Session

11. REQUEST FOR FUTURE AGENDA ITEMS

Director Bramfitt referred to a triangle of land at the corner of Highway 12 and West Napa where there was a City promoted Xeriscape garden. He also spoke to the landscaping in front of McDonalds at Verano and

Highway 12, which had been installed by the Sonoma Redevelopment Agency about a year ago and which was in poor shape given that the Agency did not have the necessary funds to maintain that landscaping. Given the prominence of that corner, he suggested that might offer an opportunity for the VOMWD to promote Xeriscape landscaping. He asked that the item be agendaized to discuss whether or not it would be a reasonable thing for the VOMWD to do.

Given that the November meeting had been scheduled for what would be election night, **Director Smith** asked that the meeting be rescheduled. A discussion would be agendaized for the next meeting.

12. ADJOURNMENT

Motion by **Director Smith**, seconded by **Director Bramfitt** and carried unanimously to adjourn the meeting at 7:18 P.M. The next scheduled meeting is on October 5, 2004 at 6:30 P.M.

Shari Walk, Deputy Board Secretary