

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING MINUTES
February 1, 2005

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, February 1, 2005, 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 Walk** noted the following present:

Directors Present:	Mark Bramfitt Ed Kenny Ron Prushko Sanford Smith Michael Woods
Directors Absent:	None
District Personnel:	Shari Walk, Office Supervisor Paul Gradolph, Operations and Maintenance Supervisor
General Manager:	Krishna Kumar
Board Secretary:	Shari Walk
Public Present:	Mickey Cooke, Erik Holbeck, Steve Perry, Barbara Roy, Win Smith, Sandi Hansen, Sonoma Index-Tribune

2. PUBLIC COMMENTS

There were no comments from the public.

3. CONSENT CALENDAR

- A.** Receive and Approve Minutes of Regular Meeting of January 4, 2005
- B.** Approve Cooperative Agreement for Funding of the Valley of the Moon Water District Water Conservation Program for Fiscal Year 2004-2005.
- C.** Resolution No. 050201, Accepting the Closing Papers, Gaiage House, Project #2876
- D.** Cancel Regular Meeting of February 15, 2005.

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

There was no public presentation.

5. OPERATIONAL & COMMITTEE REPORTS

A. Approve Current Financial Reports for December 2004

Office Supervisor Shari Walk pointed out that the second payment had been made to ConserVision Consulting toward additional residential water audits. Starting March 1, 2005, the VOMWD would be advertising the availability of free residential water audits in all of its customer bills in the hopes of expeditiously meeting the Best Management Practices (BMP) requirements.

Speaking to the Loma Vista Water Project, **Ms. Walk** reported that the water main project had been completed. The project would cost slightly more than \$174,000 and was under budget. The interest earned was on track to date with the VOMWD earning 2 percent through the Local Agency Investment Fund (LAIF) over the past quarter, and 2.17 percent from the Sonoma County Investment Pool.

Motion by **Director Prushko**, seconded by **Director Smith** and carried unanimously by a roll call vote to approve the monthly Financial Reports & Disbursements for the month of December 2004 in the amount of \$217,672.27.

1. Mid-Year Budget Review

Ms. Walk reported that current projections indicated that the total fiscal year revenue would be approximately \$187,000 less than budgeted with the expenses for the corresponding period approximately \$191,000 less than budgeted. Based on those estimates, the VOMWD was on track with its current budget.

General Manager Krishna Kumar commented, in response to Director Prushko, that the FY 04-05 budget process had been challenging due to the introduction of the tiered rates since it had been difficult to calculate the exact revenue impacts of the tiered rates. His estimates based on the first six months of this fiscal year indicated that the impact of the tiered rates would be close to being revenue neutral.

In further response to Director Prushko with respect to the impacts of the tiered rates, **Mr. Kumar** noted that the projections for next year's budget would be better in that those projections would take into account one full year's actual experience with the tiered rates.

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

Operations and Maintenance Supervisor Paul Gradolph presented the summary review of current VOMWD projects and significant operations and maintenance issues for January 2005, as follows:

- **Project #2855 – Glen Ellen Storage Tank:** To be discussed by the Board under item 8.A.
- **Project #2865 – Future Production Well at Arnold Drive and Felder Road:** Project placed on hold pending investigation of an alternative well site at Gillman and Arnold Drives.
- **Project #2891 – Locust Avenue, Spring Street, Toy Lane and Queeno Lane Main Replacements:** The 30 percent plans had been received and staff had reviewed the plans and made

comments. The comments had been forwarded to the design engineer. The 70 percent plans were expected soon if everything went well. Staff would seek permission for the project to move forward, potentially at the next meeting.

- **Project #2895 – Pressure Reducing Valve Replacements:** There were ten turnouts out of the Aqueduct where the water was taken from the Aqueduct and put it into the VOMWD system. Each turnout had a pressure reducing valve (PRV). The six PRVs which were currently being replaced were the oldest of the ten having been installed in 1962 and having served their useful life. The new valves would better balance the system during the summer peak periods and allow better flows. Staff had not included the cost of new valve lids in the current project budget but had located a company in Placerville that custom made the lids. Staff had decided to move forward with the purchase of the lids. While the project would then be slightly over budget, it would be money well spent that would reduce the VOMWD's liability.

Director Prushko inquired whether or not the four remaining pressure reducing stations would be on next year's budget. He was advised by **Mr. Gradolph** that the four remaining stations were not as old as the six stations and those stations were not expected to be in the budget for the next year. The four remaining stations had been installed in the 1970's, but would be reviewed and taken apart by staff to verify their adequacy.

C. Water Source Report

There were no comments on the Water Source Report.

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

There were no comments from the Directors.

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

General Manager's Report

A. Report on the Water Advisory Committee Negotiating Meeting of January 24, 2005.

Mr. Kumar reported that the Water Advisory Committee (WAC) Negotiating Meeting had included an announcement from the Deputy Chief Engineer of the Sonoma County Water Agency (SCWA) that SCWA attorneys had concluded that the City of Santa Rosa's suggested language regarding Section 3.5 of the Restructured Agreement relating to the allocation methodology could not be accepted. A stalemate had been reached as a result of this unilateral declaration and the SCWA would be taking that stand to its Board. A City of Petaluma City Councilmember had requested that the SCWA circulate the basis on which it had arrived at its conclusion, which would be done at the next session.

The General Manager of the North Marin Water District, who is also the Chair of the WAC Subcommittee looking into the Marin Municipal Water District's (MMWD) option for purchasing another 5,000 acre feet of firm supply from the SCWA, reported that the subcommittee had met but had not formulated a recommendation. The option would expire on June 30, 2005. Once a recommendation was made, the issue would return to the WAC for discussion.

Mr. Kumar also advised that the Petaluma City Councilmember had once again raised the issue of

additional water allotment under Section 1.6 of the draft Restructured Agreement, and reiterated that the SCWA should not be considering any requests from any contractors until it perfected the water rights over 101,000 acre feet. He had once again pointed out the dilemma the VOMWD was in and the Petaluma Councilmember had suggested that he would bring back language to address VOMWD's situation.

Mr. Kumar stated that in a report to the Sonoma County General Plan 2020, Citizen's Advisory Committee, titled "Public Facilities Water, Sewer Capacities," the PMRD had indicated its clear agreement with VOMWD staff that the VOMWD needed an additional 969 acre feet of water to meet its projected demands in the year 2020. He understood per PMRD staff that the consultant hired to prepare the Environmental Impact Report (EIR) for the General Plan would base his/her conclusions on the above mentioned report. He emphasized that was good news for the VOMWD in terms of accomplishing its initial step in the process and of truly reflecting its needs in the General Plan document.

President Woods commented that given the stalemate on the water supply agreement, the General Plan EIR might be completed on time.

Mr. Kumar also reported that the California Urban Water Management Council (CUWCC) was in the process of submitting an application for Proposition 50 grant funds for funding a statewide pilot turf buy back program. The VOMWD, along with all other water contractors, had tentatively indicated its willingness to join the CUWCC grant program. CUWCC would be submitting its application for a grant on behalf of all of the water agencies. It would be 12 to 18 months before the VOMWD learned of the status of the application. If the grant was received it would be disbursed amongst the entities that had collectively applied. If the VOMWD were to receive the monies from the grant, those monies would subsidize the costs of a future turf buy back program. Staff would keep the Board informed of the status of the application and the program since the details of the program were currently sketchy.

Mr. Kumar reported on the status of the Jacobsen property noting that the settlement conference with the courts had been scheduled for June 22, 2005, with a trial date of July 28, 2005. He further reported that the VOMWD had received a nice note of thanks from one of the two customers who had raised the issue of the two and three units included in the tiered rate structure.

8. OLD/NEW BUSINESS

A. Receive /Discuss: Seventy Percent Plans for Hill Road Storage Tank Project

Mr. Kumar stated that on January 7, 2005, staff had met with the District's design engineering team at the site to explore the possibility of moving back the location of the tank farther north of the property. After much deliberation, the engineering team had determined that was a feasible option with a potential additional cost of \$8,000. He listed the ten changes that the VOMWD has considered as a result of public input as shown in the staff report. Suggestions 2 through 10 had been approved by the Board at its last meeting. The only new change would be the relocation of the tank which would require Board approval. Staff had rolled all of the ten changes into the 70 percent design subject to Board approval for moving the tank farther back. Staff had reviewed and concurred with the changes that had been incorporated into the 70 percent design plans. After the completion of the 100 percent design work, staff would seek Board approval to advertise a Notice to Bidders.

President Woods expressed his appreciation for the work that had been done and the reexamination of the possibility of moving the tank in response to the public input.

As to how such a move had been made possible, in response to President Woods, **Tony Cinquini**, Winzler & Kelly, explained that the solution had been to install another retaining wall which would allow the tank to be moved back 5 feet to the north of the property. A retaining wall on the northwest side would accommodate additional fill to allow the placement of the tank. By backfilling against the retaining wall, the maintenance road could still be maintained. Little of the design would be affected with that change. The additional cost of \$8,000 would be associated with the piping and the cost of the retaining wall.

President Woods questioned whether or not there were any safety considerations that would be of concern on the downslope side in terms of a possible increase of disturbance to the slope given the retaining wall.

Mr. Cinquini noted that the main load would not be on the retaining wall and would involve only the access road around the tank. The tank had been moved a total of 14 feet from its prior placement in the 30 percent design.

Director Bramfitt inquired whether the retaining wall at the back would support the access road only and the tank itself would still be on solid cut. **Mr. Cinquini** affirmed that would be the case.

Director Prushko inquired if during the work process, the trenches could be closed quickly enough to allow emergency access to the area if there was such a need.

Mr. Cinquini explained that during the meeting the VOMWD staff had with the Glen Ellen Fire District, they have been advised that Fire Department emergency vehicles would require Hill Road to be 12 feet open at all times. Since the road was narrow, he could not guarantee that 12 feet would be wide open all the time.

To alleviate any delays that were of concern, the VOMWD had planned to coordinate with local emergency services. In the event of an emergency, Sonoma County Emergency Dispatch (Red Com) would immediately notify the VOMWD and the contractor would be notified ahead of the ambulances to ensure that open trenches would be plated and the area cleared. Additionally, the contractor would be limited on the length of the trench to be open at one time.

In response to **Director Kenny**, **Mr. Cinquini** acknowledged that construction constraints had impacted the cost of the overall project.

PUBLIC COMMENTS:

Win Smith, 1450 Hill Road, Glen Ellen, commented that he was pleased with what he had seen. While he did not agree with many basic principles, he had expressed a desire to the General Manager to be allowed to view the Landscape Architect's work in progress to allow him the opportunity to make comments that could contribute to the design. He had previously raised the question of having plantings on contiguous properties.

He suggested there was an opportunity to better screen the tank from view with some supplemental plantings on private properties, either by the VOMWD or with plants provided to the property owners. He suggested that could pose a small cost to the VOMWD. While he recognized that the VOMWD would be watering the landscaping for two to three years until roots established, he understood that some of the plant material would be weed treated and plants could be removed when the native trees had matured. If the VOMWD were to provide plants to the private property owners, he would be willing to work with the Landscape Architect to identify the number of plant materials. He suggested those plants could be added to the irrigation program so that the property owners did not have to water the plants.

Mr. Smith also inquired whether or not the movement of the tank back with the retaining wall would result in a cut or engineered fill situation.

Mickey Cooke, 1457 Hill Road, Glen Ellen, was pleased with the proposal to address emergency access to the area. She commented that there had been a recent incident on Hill Road where emergency vehicles had to reach the area. She noted that her husband had to travel by ambulance on a number of occasions to Santa Rosa and she hoped that when the first section of trench had been installed, a dry run could be conducted with the Fire Department to see how long it would take to cover up the trench in the event of an emergency.

Steve Perry, 13975 Arnold Drive, Glen Ellen, commended the Board and the General Manager for addressing the safety issues. He commented that he had provided information to the Board in the past to illustrate the emergency related activity in the area due to the aging population. He publicly acknowledged the General Manager's participation in the process, the outreach in the community and the acknowledgement and response to the public concerns.

Barbara Roy, 1310 Hill Road, Glen Ellen, also thanked the Board and staff for the efforts to keep the public informed and for the effort and additional expense the VOMWD was willing to pursue to ensure emergency access. She noted that many of the residents were the primary emergency contacts for parents or other relatives outside of the area. She questioned whether or not the contractor could be held to a standard for a reasonable amount of time for the work. She also inquired if the public would be allowed to view the drawings of how the pipeline would be laid out prior to the commencement of the work.

Eric Holbeck, 1457 Hill Road, Glen Ellen, asked whether or not an arborist had been hired to be on site during the excavation for the pipeline. If so, he asked that the arborist be identified.

PUBLIC COMMENTS CLOSED

In response to the comments, **Mr. Cinquini** stated:

- The Landscape Architect's preliminary landscaping plan was in the 70 percent design phase. The Landscape Architect had been asked to compile a list of the proposed plant material.
- The concrete foundation of the tank was three and a half feet deep. An additional two feet would have to be reworked and built on top, with the entire tank cut with the depth and prism load from the foundation and tank all in cut area.
- Specifications required the contractor to have an arborist on site during all construction periods when near the trees, which was essentially for the full length of the project.
- Acknowledged the good suggestion for a dry emergency response run.
- Traffic control delays would typically be 10 to 15 minutes which had been built into the traffic control specifications. It was likely the project would be limited to a 10 minute delay with coordination during the pre-construction kick off meeting.
- The pipeline alignment has been incorporated into the 70 percent plans, which were in the VOMWD offices and available for public review.

President Woods commented in response to the suggestion for planting on contiguous properties, that he did not recall that issue having previously been raised. He expressed concern with issues involving a VOMWD owned pipeline, easements, water supplies and liability issues on private properties. He asked the General Manager to respond to that concern. While he acknowledged the request that additional planting

materials be located on contiguous properties or that plant material be provided by the VOMWD, he could not guarantee that would be possible.

Mr. Kumar echoed those concerns which would have to be researched.

Win Smith suggested it would not be a major issue in that they were only speaking of a three quarter inch PVC line with a couple of meters on each property.

President Woods acknowledged the comments and noted that the Board was not being asked to approve a specific item, as long as it was clear that unless the Board objected, staff would bring the issue back to the Board for issuing notice inviting bids. He added that there had been some discussion about having a separate staff/neighborhood meeting on the traffic controls and the plans and who the contacts would be to ensure appropriate communication. He was confident that would be accomplished.

Director Prushko commented that he had not had the opportunity to review the 70 percent plans. He inquired of the location of the nearest hydrant to the tank.

Mr. Cinquini advised that there was a hydrant right at the tank. He estimated a start date in May or June. He commented that they were still on target for a late October or early November completion date.

President Woods again thanked the community for its input and for the work from Winzler & Kelly.

- B. Discuss/Approve:** Task Order in the Amount not-to-exceed \$53,630 for Engineering Services for the Agua Caliente Booster Pump Station No. 2

Mr. Kumar reported that the Agua Caliente Booster Pump Station would enable the VOMWD to facilitate the filling of the Hanna Tank to its engineered capacity. Proposals had been received from Winzler & Kelly and Brejle and Race to perform the engineering services for the project. Staff had evaluated the proposals and determined that the proposal from Winzler & Kelly met the requirements both in technical merit and in the fee proposal. Staff also believed the requested fee to be reasonable and within industry standards.

Mr. Kumar recommended that the Board approve Task Order 05-2892-01 to Winzler & Kelly for Engineering Design Services for the Agua Caliente Booster Pump Station No. 2 in the Amount not-to-exceed \$53,630.

Motion by **Director Bramfitt**, seconded by **Director Kenny** and carried unanimously by a roll call vote to approve Task Order 05-2892-01 to Winzler & Kelly for Engineering Design Services for the Agua Caliente Booster Pump Station No. 2 in the Amount not-to-exceed \$53,630.

- C. Discuss/Approve:** Agreement for Auditing Services with Firm of Moss, Levy & Hartzheim, Certified Public Accountants

Mr. Kumar reported that during the May 4, 2004 meeting of the Board of Directors, the Board had directed staff to solicit Request for Proposals (RFP) for performing the VOMWD's annual financial audit for three fiscal years beginning with the audit for FY 2004-05, in order to ensure rotation amongst auditors.

The current auditor had been with the VOMWD for the past 10 years and it was time for auditor rotation. Staff had received six proposals. Based on the evaluation of the proposals, the firm of Moss, Levy & Hartzheim, Certified Public Accountants, was recommended to perform the VOMWD's annual financial

audit for three fiscal years beginning with the audit for FY 2004-05, subject to annual review. The firm had quoted an all inclusive maximum price of \$5,900 for each fiscal year, which amount was extremely comparable to the VOMWD's payment to its prior auditor. The agreement had been reviewed by District Counsel who had approved the agreement as to form.

Mr. Kumar recommended that the Board approve and authorize the President to sign the agreement for auditing services with the firm of Moss, Levy & Hartzheim, Certified Public Accountants, in an amount not to exceed \$5,900 per fiscal year to perform the VOMWD's annual financial audits for three fiscal years.

President Woods requested that staff send the Board's appreciation to Mr. Johnson, the VOMWD's prior auditor, for his work over the years and to express the fact that the Board found no fault or had any difficulty with his work over the years. He emphasized that it was a matter of prudence to switch auditors every once in a while. He was also pleased to see that the quote was close to the cost previously paid by the VOMWD.

Director Bramfitt noted that there was a mandate to change auditors during a specific period of time.

Motion by **Director Kenny**, seconded by **Director Smith** and carried unanimously by a roll call vote to approve and authorize the President to sign the agreement for auditing services with the firm of Moss, Levy & Hartzheim, Certified Public Accountants, in an amount not to exceed \$5,900 per fiscal year to perform the VOMWD's annual financial audits for three fiscal years beginning with the audit for FY 2004-05, subject to annual review.

D. Discuss/Approve: Amendment No. 3 to Term Engineer Consulting Services Agreement with Core Utilities and Task Order in the Amount not-to-exceed \$4,000 for Installing and Configuring SCADA Daily Report

Mr. Kumar advised that the proposed Daily Report would provide a mechanism to allow the VOMWD to be informed each morning as to the total amount of water used from both the Sonoma Aqueduct and VOMWD wells from the previous date. Currently, it was a time consuming process to monitor the VOMWDs total water production from the previous date. The new system would provide an easier way to obtain that information. He added that staff had reviewed the proposal from Core Utilities and had determined it to be technically sound and provide acceptable deliverables at a reasonable cost.

Mr. Kumar recommended the approval of Amendment No. 3 to the Term Engineer Consulting Services Agreement between Core Utilities and Valley of the Moon Water District to extend the termination date until January 5, 2008, and to approve Task Order No. 05-921-01 in an amount not-to-exceed \$4,000 to install and configure the SCADA Daily Report.

Director Prushko inquired how the Sonoma County Water Agency currently identified the amount of water used by the VOMWD.

Mr. Kumar explained that the SCWA read VOMWD meters monthly. He also explained, when asked, that the SCWA maintained the meters.

Mr. Gradolph added that during peak periods the VOMWD had no idea what the VOMWD was taking from the Aqueduct on a daily basis. At the request of the VOMWD, a meter had been installed north of the VOMWD's northernmost turnout at Glen Ellen which allowed the VOMWD to learn exactly how much water was coming to the VOMWD and the City of Sonoma. There was an existing meter at the discharge of

the Sonoma tanks so that the VOMWD could easily identify the draw from the SCWA Aqueduct. He commented that during peak periods that information would become very valuable.

In response to Director Prushko as to the benefit to the VOMWD, **Mr. Gradolph** commented that on the basis of such daily information, the VOMWD might have to temporarily increase production from some of its wells, although that could not be done for extended periods of time. The information would also allow the VOMWD to start instituting additional conservation measures if it could not draw more water from the Aqueduct at a particular time.

Motion by **Director Prushko**, seconded by **Director Smith** and carried unanimously by a roll call vote to approve Amendment No. 3 to the Term Engineer Consulting Services Agreement between Core Utilities and Valley of the Moon Water District to extend the termination date until January 5, 2008 and to approve Task Order No. 05-921-01 in an amount not-to-exceed \$4,000 to install and configure the SCADA Daily Report.

Director Bramfitt stepped down from the dais at this time due to the fact he was a candidate for Special District Representative to the Local Agency Formation Commission (LAFCO).

E. Discuss/Select: Candidate for Special District Representative to LAFCO

Mr. Kumar explained that the application material for both candidates, Mark Bramfitt and Gary Helfrich, had been included in the staff report. He recommended that the Board discuss and select the desired candidate for Special District Representative to LAFCO and authorize the President to cast the vote for the selected candidate.

President Woods was pleased that Mr. Bramfitt was interested in being selected as the Special District Representative to LAFCO. If selected he suggested it would be great for the VOMWD to have a representative on LAFCO. He could not recall that the VOMWD ever had one of its Directors as a Special District Representative on LAFCO.

Motion by **Director Kenny**, seconded by **Director Smith** to select Mark Bramfitt as the candidate for the Special District Representative to LAFCO and authorize the President to cast the vote for the selected candidate. The motion carried by the following vote:

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

Director Bramfitt rejoined the Board at this time.

F. Discuss/Appoint: Board Representatives for 2005

President Woods commented that the Board had not updated the list for a few years. He wanted to ensure that everyone had their interest taken care of and were participating in the best way possible. As an example, he noted that Director Smith had been carrying out the function as the Board Representative for ACWA-JPIA with Director Kenny listed as the Board Representative. He recommended that the representatives be switched, with Director Smith appointed as the Board Representative and Director Kenny as the Alternate, and with Director Prushko to be the backup Alternate.

By consensus, Director Smith was appointed as the Primary Representative and Director Kenny as the First

Alternate, with Director Prushko as the Second Alternate to Association of California Water Agencies Joint Powers Insurance Authority (ACWA-JPIA).

As to ACWA- Region 1, **President Woods** commented that he did not have the time to attend the meetings. He understood that there were no pressing matters that would require VOMWD attendance at this time.

Director Prushko suggested that unless something was raised in the ACWA newsletter he saw no reason to attend the meetings since ACWA had staff and lobbyists in Sacramento to handle issues.

President Woods suggested that the VOMWD have some representation. On the discussion, it was recommended that the current appointments to ACWA- Region 1 remain, as shown.

As to the Water Advisory Committee, **President Woods** commented that typically the appointees were the President and Vice President of the Board. He was willing to serve in that capacity and had asked Director Smith to stay involved and get up to speed on the WAC issues. He also understood that Director Smith and General Manager Kumar were due to meet to discuss some of those issues.

It was also noted that the General Manager had been designated as the Principal Negotiator for the Restructured Agreement for Water Supply and the Temporary Impairments MOU.

Director Smith advised that he was able to attend all of the WAC meetings.

Director Bramfitt expressed the willingness to serve as the Alternate to the WAC.

By consensus, Director Smith was appointed as the Board Representative, Director Bramfitt as the First Alternate, and President Woods as the Second Alternate to the Water Advisory Committee.

Director Prushko expressed a desire to attend a WAC meeting given that he had attended those meetings during his tenure as President of the Board.

President Woods recommended that the category for Negotiators for Restructured Agreement be deleted given that the General Manager had been designated as the Principal Negotiator for the Restructured Agreement for Water Supply and the Temporary Impairment Memorandum of Understanding (MOU).

As to the Ad Hoc Committee with the City of Sonoma, **President Woods** noted that the current appointees had been serving in that capacity for some time and that structure could be left as is. The Board agreed. **Director Prushko** expressed the desire to serve as the Board Representative to the Ad Hoc Committee with the City of Sonoma in the next year.

By consensus, the Board retained the current appointments to the Ad Hoc Committee with the City of Sonoma as is.

G. Discuss/Direct: Invitation from Sonoma Index-Tribune to Draft Essays on Water Supply

Mr. Kumar explained that as an outreach and educational effort for Sonoma Valley residents, the VOMWD had been offered the opportunity to draft a series of essays to run in the Sonoma Index-Tribune, covering the broad topic of water supply for the Sonoma Valley community. A possible outline for a series of eight essays had been provided to the Board, as shown in the staff report. The essays were to be between 700 and

800 words in length and concisely cover topics in terms of what could easily be grasped by members of the community. Staff considered the project a valuable opportunity to disseminate useful and relevant information to the community and to the ratepayers.

President Woods commented that he had taken it upon himself to ask the General Manager and Director Bramfitt to meet with the Sonoma Index-Tribune to discuss water issues. At that time, a question had been asked whether or not there were any concerns or issues on the horizon. At that time, he had mentioned that the Board had been presented with a detailed report from the VOMWD General Manager on the overall water and well supply situation and there were some outstanding issues, all of which the VOMWD Board had discussed in open session in the past. During the discussions, it was suggested that the VOMWD Board prepare a series of articles that could be published in the paper to explain the water supply situation, where the water was coming from, challenges in the future and what the water system was like. Information could also be provided to a reporter where an article could be written.

President Woods recommended that the General Manager be allowed to prepare the articles with input from various individuals who would like to provide information on some of the topics listed in the staff report, to be returned to the Board for discussion, or the Board could delegate the preparation of the articles to the General Manager which he [the Board President] could oversee, with assurance that positions would not be stated that the Board had not already taken. He suggested that it could be beneficial in an article to show a map of the VOMWD boundaries and to make it clear that the City of Sonoma had a utility service provider role within the City limits.

Director Bramfitt commented that the Editor of the Sonoma Index-Tribune had been clear that from his perspective there could be one article every two weeks which would hold the public's interest. From his own perspective, he suggested that the articles be written as a package and then be submitted. He also saw no rush to prepare the articles, which could be done over time and submitted all at the same time.

Director Prushko agreed that the articles should be packaged together.

Director Bramfitt suggested that it would be appropriate to rely on staff to prepare the articles. He emphasized that there were important issues that should be raised for the community and he was looking for a response from the community on the issues. As long as it was clear that the VOMWD stated that it had not taken a position on the topic, the article could be thought-provoking. He added that the Editor had offered to assign a reporter who could contact individual Board members or members of the community to obtain the controversial opinions that would make the articles interesting and where individuals could be quoted. He suggested assigning the articles to one staff person to allow a consistent feel.

Director Bramfitt did not want to have editorial control over the articles. He did not want to see two Board members be responsible for everyone else. He would like to see more people know of the issues being addressed by the VOMWD, and interaction with the public on the issues. He again suggested that the General Manager be allowed to draft the articles with the Board to not be directly involved.

President Woods agreed with Director Bramfitt to allow staff to take the lead on the issue and let staff realize that questions could be asked and that the discussion be retained within the scope of policy areas.

Director Prushko suggested that the Board have the opportunity to review the articles to ensure that the Board had the opportunity to make any comments prior to publication.

In response to a member of the public, **President Woods** commented that care had to be taken to avoid

violating the Brown Act if articles were prepared for open publication as a Board. The articles could be discussed and prepared at a meeting or the General Manager could be allowed to prepare the series of articles which could be made available to the public and distributed to the Board. If a member of the Board wished to agendize one of the articles, that could be done. He recommended that the articles be submitted to the Board and be made available prior to publication to identify concerns, if any.

Mr. Kumar expressed his willingness to prepare the series of articles. He commented that close to 90 percent of the factual information was available, all public knowledge, and it was simply a matter of pulling that information together into a story format. He did not expect any difficulty in putting together at the staff level and then present it to the Board before it was published.

By consensus, the General Manager was designated as the principal draftsman to prepare the series of articles, as discussed.

President Woods declared a recess at 8:00 P.M. prior to convening into Closed Session at 8:05 P.M.

9. CLOSED SESSION

- A. Conference with Labor Negotiator Pursuant to Government Code Section 54957.6; Agency Negotiator: General Manager Krishna Kumar; Negotiating Parties: International Union of Operating Engineers, Stationary Local 39 AFL-CIO.

10. RECONVENE INTO OPEN SESSION

President Woods reconvened into open session at 8:30 P.M. He reported that no action had been taken in Closed Session.

11. REQUEST FOR FUTURE AGENDA ITEMS

There were no requests for future agenda items.

12. ADJOURNMENT

Motion by **Director Smith**, seconded by **Director Prushko** and carried unanimously to adjourn the meeting at 8:30 P.M. The next scheduled meeting is on March 1, 2005 at 6:30 P.M.

Shari Walk, Deputy Board Secretary