

VALLEY OF THE MOON WATER DISTRICT
REGULAR MEETING MINUTES
December 6, 2005

A regular meeting of the Board of Directors of the Valley of the Moon Water District was held on Tuesday, December 6, 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
Public Present:	Ken Borba, Steve Perry, Win Smith, and Sandi Hansen, Sonoma Index-Tribune

2. PUBLIC COMMENTS

Win Smith, Glen Ellen, stated that Hill Road residents were pleased with the VOMWD with respect to the development of the Hill Road Water Tank, although it was suggested that the County could have done a better job with the asphalt improvements. He stated that the VOMWD's contractor had done a great job. He looked forward to the installation of the landscaping in the spring.

3. CONSENT CALENDAR

- A.** Receive and Approve Minutes of Regular Meeting of November 1, 2005
- B.** Adopt Resolution No. 051201, Approving Fire Line Installation Agreement with the County of Sonoma for the Sheriff Substation

President Woods requested the removal of Item A from the Consent Calendar given his absence from the last meeting.

Motion by **Director Bramfitt**, seconded by **Director Kenny** and carried unanimously by a voice vote to

adopt the Consent Calendar, with the removal of Item A.

Motion by **Director Bramfitt**, seconded by **Director Kenny** to receive and approve the minutes of the regular meeting of November 1, 2005, carried by the following vote:

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

4. **PUBLIC PRESENTATION**

There was no public presentation.

5. **OPERATIONAL & COMMITTEE REPORTS**

A. Approve Current Financial Reports for October 2005

Office Supervisor Shari Walk noted that the VOMWD budget was tracking very well.

Motion by **Director Prushko**, seconded by **Director Kenny** and carried unanimously by a roll call vote to approve the monthly Financial Reports & Disbursements for the month of October 2005 in the amount of \$499,449.91.

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 November 2005, as follows:

- **Project #2855 - Glen Ellen Storage Tank:** The complete fabrication of the tank was expected on December 8, after which the painting of the tank would commence. The Sonoma County Public Works Department had completed an asphalt overlay of Hill Road in time to avoid the heavy rains.
- **Project #2892 – Agua Caliente Booster Station:** Bids were opened on November 17. A staff recommendation to proceed would be submitted at the current meeting.
- **Project #2899 – Boyes Springs Water Mains and Project #2900 – El Verano Area Water Mains:** Both projects were currently in the design phase with 50 percent drawings scheduled for staff review in mid December.
- **Project #2901 – Glen Ellen Area Water Mains:** Fifty percent drawings were being reviewed by staff. The project was on schedule to have the design and contract documents completed by mid January.

Director Prushko questioned where the mains in Glen Ellen would be replaced; **Mr. Gradolph** reported that there was a loop on Arnold Drive between the Glen Ellen Market and Chauvet Road with London Ranch Road to be looped around to Chauvet Road with a few small mains on Robinson Road that would be replaced. Flynn Way off of Warm Springs Road had also been targeted. London Ranch Road and Arnold Drive would have loops completed to allow the system to be operated more efficiently.

Director Prushko inquired of the status of the main on Carmel and Boyes Boulevard. He was advised by Mr. Gradolph that project would be in the 2006/07 Capital Improvement Program (CIP). He was also advised that there would not be a main on Boyes Boulevard but it would be in the Boyes Hot Springs area. Another one was planned in the El Verano area.

Win Smith, Glen Ellen, referenced the class two base rock that had been set out for the crane in the area where the planting would ultimately occur for the Hill Road Tank site. He expressed his hope that base rock would be removed prior to the installation of any landscaping.

Mr. Gradolph affirmed that the base rock would be removed prior to the installation of the landscaping.

C. Water Source Report

There were no comments on the Water Source Report.

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

Vice President Smith reported that he had attended the JPIA and the Association of California Water Agencies (ACWA) Conference last week in San Diego and had presented a written report of that session which he summarized at this time. He identified the sessions that he had attended in the areas of risk management, emergency preparedness packages, "brain drain" dealing with how to find people to replace existing water district employees who were due to retire within the next 10 years, and a seminar on required training sessions on sexual harassment in the workplace for businesses with more than 50 employees. He would recommend that sometime in the next year the VOMWD hold a sexual harassment session that could be attended by everyone.

Director Kenny agreed with the concern with respect to replacing existing water district employees at retirement with experienced employees.

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

- A. Water Advisory Committee Special Meeting of November 7, 2005
- B. Water Advisory Committee Meeting of December 5, 2005

Mr. Kumar reported that the Mayor of the City of Rohnert Park had informed the Water Advisory Committee (WAC) that he and Randy Poole had met and drafted alternate language for the acquisition of the Potter Valley Project (PVP) which version had been provided to the VOMWD Board, identified as Attachment A. One of the significant changes proposed to the Restructured Agreement was a requirement for an affirmative vote of at least six representatives of the water contractors on the WAC as opposed to a simple majority.

The proposed changes would also authorize the Sonoma County Water Agency (Water Agency) to begin evaluating the economic and operational feasibility of acquiring the PVP using the newly proposed Watershed Planning and Restoration Surcharge Funds. The General Manager for the North Marin Water District had indicated that the suggested changes were encouraging and that he would take the changes to his Board of Directors for consideration. The City of Windsor had indicated that the changes met their requirements and they would consider approval of the agreement on that basis.

Mr. Kumar added that the City of Santa Rosa was fine with the suggested language as it represented progress in the dialogue, although that jurisdiction had cautioned that the requirement for a unanimous approval or even a super majority was not a good thing when it comes to matters as the acquisition of the PVP.

As to why the Water Agency would spend the money to study the acquisition of something it had no intention of acquiring, in response to President Woods, **Mr. Kumar** explained that the General Manager of the Water Agency had been quoted as making those comments. He acknowledged that similar concerns had been expressed by others for undertaking such an evaluation at this stage.

The VOMWD Board of Directors had approved the Restructured Agreement in November and the matter would be returned to the Board after consideration of the Restructured Agreement by the four remaining water contractors.

Mr. Kumar also reported that The Friends of the Eel River (FOER) were unhappy with the suggested changes to the Restructured Agreement by the Water Agency, and had provided its own version of suggested language as provided to the VOMWD Board, identified as Attachment B. It had also been reported that the Water Agency had obtained the necessary approval for the acquisition of the PVP in August 1995, with a request for a copy of the Water Advisory meeting minutes reflecting such approval. The Chairman of the WAC had expressed assurance that he would try to obtain a copy of the minutes, if they had been recorded. In response to **Director Prushko**, Mr. Kumar noted that no costs had been identified for the acquisition of the PVP.

Mr. Kumar further advised that the WAC had approved the Financial Year 2006/2007 funding under the LRT2 program for a total of \$1.9 million, with the City of Sonoma to receive \$50,000 as the final part of its request, the City of Santa Rosa to receive \$201,000, Rohnert Park to receive \$649,000, and Marin Municipal to receive \$1 million. The amounts received were in proportion to the total amounts paid into the fund by the respective entity.

8. OLD/NEW BUSINESS

- A. Discuss/Receive:** Memorandum Dated November 6, 2005 from Maddaus Water Management Regarding the District's Water Demand Projections for 2030

Mr. Kumar stated that after six to eight months of work, Mr. Maddaus had identified the VOMWD's projected water needs to the year 2030, with a projected need of 4,089 acre feet including water savings of 109 acre feet from existing homes due to the natural replacement of existing toilets with low flow toilets. The net new demand without projected water savings would have been 4,198 acre feet. The projected water use for the VOMWD was in line with the 2003 analysis which had projected the water demand for 2025 at 4,020 acre feet.

Mr. Kumar referred to the staff memo and noted that the projected water demand number would be 1) included in the 2005 Urban Water Management Plan, 2) used to complete the Environmental Impact Report (EIR) for the water supply and transmission projections, and 3) used to revise the existing water entitlements of the various contractors.

When asked by Director Prushko, **Mr. Kumar** noted that Mr. Maddaus had used the General Plan to come up with the numbers and it was up to the Water Agency to give the VOMWD its new entitlements based on

the new projections. The current annual allocation from the Water Agency was 3,200 acre feet. The projected increase would be 513 acre feet from the actual of 3,576 acre feet in 2003/2004, corresponding to a 0.5 percent annual increase in line with what had been previously indicated.

Mr. Kumar noted that Mr. Maddaus was conducting a water conservation analysis for each water contractor to line up the potential water savings and the dollars that would be required to accomplish those water savings. The Agency was also discussing getting up to 7,500 acre feet of local water supply collectively from all nine contractors, although how it would be apportioned had not been discussed and could potentially offset the annual allocations. The allocation increase from the Water Agency might have to wait for the approval of the water supply EIR in 2007. The initial projection from Maddaus was 3,739 acre feet although sufficient documentation had been presented by District staff to establish the need for additional water.

Director Prushko clarified with staff that the projections had not included the 500 acre feet from Forestville.

Director Bramfitt characterized it as a well thought out projection. He acknowledged that the allocation itself was not assured.

Steve Perry, Glen Ellen, understood that the new General Plan for the Sonoma County had been used for the projections, **Mr. Kumar** clarified that it was the draft version of the new General Plan that was used.

- B. Award/Approve:**
- 1) Award Agua Caliente Booster Station (Project No. 2892) Construction Contract to Bartley Pump Inc. in the Amount of \$257,000, and 2) Approve Task Order No. 05-2892-02 to Winzler & Kelly for a not-to-exceed Amount of \$21,200 to Provide Construction Observation and Inspection Services for the Agua Caliente Booster Station Project

Mr. Kumar stated that four bids had been received ranging from \$450,000 to \$270,000. The engineering costs estimate was approximately \$296,000. Bartley Pump had submitted the low bid. Winzler & Kelly had indicated that the firm was qualified to perform the work. Staff recommended the award of the bid in that case. He also noted that the Board had approved Task Order 05-2892-01 for the design and engineering services from Winzler & Kelly in February. The design engineering services proposal at that time had not included construction inspection services. A new proposal had been received from Winzler and Kelly for that work in the amount of \$21,200.

Director Bramfitt noted that while an independent inspection and observation was appropriate, he questioned why staff would not do that work as opposed to an independent contractor. **Mr. Kumar** stated that the VOMWD's in-house inspector would typically inspect water main projects although both the Hill Road tank and the Agua Caliente booster station projects were slightly beyond his range.

President Woods referenced the \$200,000 range in bid prices and asked if that was a concern from Winzler & Kelly, reported by Mr. Kumar that there had been another bid in the amount of \$313,000 from North Bay Construction. The difference between the low bid and the bid from North Bay Construction was only \$41,000 while one bid had been significantly out of range. The low bid was roughly \$40,000 below the Engineer's Estimate.

Director Prushko noted that Bartley Pump was a well qualified firm in the pump area. He was familiar

with the firm and acknowledged that the firm had been in business for some time.

Motion by **Director Prushko**, seconded by **Director Bramfitt** and carried unanimously by a roll call vote, to 1) award Project No. 2892, Agua Caliente Booster Station Project to Bartley Pump Inc. in the amount of \$257,000; and 2) approve Task Order No. 05-2892-02 to Winzler & Kelly for a not-to-exceed amount of \$21,200 to provide construction observation and inspection services for the Agua Caliente Booster Station Project.

- C. Review/Direct Staff:** Review the Boundary and Sphere of Influence of the District, as Depicted in the Map Provided by LAFCO and Direct Staff to Take Necessary Action to Rectify Certain Potential Minor Discrepancies in the Map

Mr. Kumar stated that the Sonoma County Local Agency Formation Commission (LAFCO) had undertaken Phase I of the Municipal Services Review (MSR) process mandated by the State. Phase II involved the preparation of the sphere of influence (SOI) for the VOMWD. In Sonoma County he noted that SOI's were generally coterminous with district boundaries. A map prepared by LAFCO showing the boundary and sphere of influence of the VOMWD based on the most recent Tax Rate Area (TRA) was provided and identified as Attachment A to the staff report of this date. Staff had verified the boundary and SOI to be accurate as shown in the map except for seven potential minor discrepancies. Staff planned to work with the Board of Equalization (BOE) and LAFCO to rectify the discrepancies and planned to bring back an accurate map of the VOMWD boundaries and SOI at a later Board meeting.

Mr. Kumar recommended that the Board review the boundary and SOI of the VOMWD, as depicted in the map provided by LAFCO and direct staff to take necessary action to rectify certain potential minor discrepancies in the map and provide written notification to LAFCO by December 16, 2005. LAFCO planned to review and inform the SOIs for the Sonoma County Water District at its meeting of February 1, 2006.

Win Smith, Glen Ellen, commented that over the years Glen Ellen residents had never known when they had been brought into the VOMWD boundary. He had no record of any activity that brought his property into the VOMWD. He noted that he had worked with the County to address the issue, had worked with LAFCO and the PRMD when he had done a minor subdivision in the early 1990's, and there was nothing on the property maps to clarify that point.

Steve Perry, Glen Ellen, noted that he generally had no problem with the item in terms of the changes being made, although he was concerned that some of the properties, particularly the Warm Springs Road parcels which had been served since the 1960s, appeared to be out of the urban services boundary. He had some concerns over the relationship between the VOMWD, LAFCO and the BOE and the responsibility of each. He expressed concern with the LAFCO map and the TRAs as listed which he suggested were not consistent, particularly with respect to Item 4 (Dunbar School) since the LAFCO map had shown the Dunbar School in the District although it does not appear on the TRA list.

Mr. Kumar stated that staff had done some extensive research on the issue raised by Mr. Smith. He noted that there had been a series of annexations over the years. In August 1963, the Glen Ellen Water Works had been annexed by VOMWD. The property currently owned by Mr. Smith was included in the annexation map and Mr. Kumar handed over copies of the annexation map identifying the property in question. After the 1963 annexation, that property had become part of the VOMWD.

Mr. Smith thanked the VOMWD staff for the information.

Referring to the three Warms Springs Dam properties, **Mr. Kumar** stated that long-term VOMWD staff had indicated that those properties had been part of the Glen Ellen Water Works and the properties had been inherited by the VOMWD from the Glen Ellen Water Works during the annexation in 1963, although for some reason the properties had not been identified on the LAFCO map or the TRA list. He noted that issue would have to be resolved.

With respect to the Dunbar School, **Mr. Kumar** stated that because it was a government entity that did not pay taxes, the property would be excluded from the TRA listing which was prepared primarily for collecting taxes. The VOMWD had annexed that property in February 1967 and hence was included in the LAFCO map.

Mr. Kumar explained that the State government had ultimate control over the boundaries of all local governments and agencies. The State had delegated to LAFCO the authority for determining boundary issues. The TRA listing was managed by the State Board of Equalization (BOE) for the purpose of collecting taxes. Every district's boundary would be translated into specific TRA numbers and as such is an effective tax collection mechanism.

Steve Perry questioned whether or not the TRA was the be all and end all in the decision process; **Mr. Kumar** responded that LAFCO had the final authority. **Mr. Perry** suggested that LAFCO and the BOE should be in conjunction with one another. He expressed his hope that both would do a better job in the future.

President Woods declared a five minute recess at 8:26 P.M. and then adjourned into Closed Session.

9. CLOSED SESSION

- A. Conference with Legal Counsel on Existing Litigation, under Government Code 54956.9(a) – VOMWD vs. Jacobsen

By consensus, the Board decided not to hold the Closed Session.

10. RECONVENE INTO OPEN SESSION

There was no Closed Session.

11. REQUEST FOR FUTURE AGENDA ITEMS

There was no request for future agenda items.

12. ADJOURNMENT

Motion by **Director Kenny**, seconded by **Vice President Smith** and carried unanimously to adjourn the meeting at 7:28 P.M. The next scheduled meeting is a regular meeting on January 3, 2006 at 6:30 P.M.

Shari Walk, Deputy Board Secretary